Mr. Just. Nelson

SUPREME COURT OF THE UNITED STATES.

No. ~~204.~~ ~~122~~. 1852.

THE UNITED STATES, APP'TS,

vs.

HIRAM GRIMES.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

G. S. Gideon, Printer, 511 Ninth street, Washington, D. C.

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SUPREME COURT OF THE UNITED STATES.

No. 204.

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OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this first day of March, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Hiram Grymes, for part of the place named "New Helvetia," was presented, and ordered to be filed and docketed with No. 683, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had, in their chronological order, to wit:

SAN FRANCISCO, *October* 17*th*, 1853.

In case No. 683, Hiram Grimes, for a part of the place named "New Helvetia," the deposition of Samuel J. Hensley, a witness in behalf the claimant, taken before Commissioner Thompson Campbell, with document marked "A—Thompson Campbell," annexed thereto, was filed.

(Vide page 12 of this Transcript.)

In the same case, the deposition of John S. Towle, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed.

(Vide page 11 of this Transcript.)

SAN FRANCISCO, *May* 10*th*, 1854.

In the same case, the deposition of John Bidwell, a witness in behalf of the claimant, taken before Commissioner Peter Lott, with exhibit marked "A. P. L.," annexed thereto, was filed.

(Vide page 14 of this Transcript.)

SAN FRANCISCO, *July* 18*th*, 1854.

In the same case, the counsel for the claimant filed the following stipulations, to wit:

(Vide pages 23 and 24 of this Transcript.)

In the same case the counsel for the claimant filed a copy of the deposition of William M. Carpenter, a witness in behalf of the claimant, in case No. 181, taken before Commissioner Alpheus

Felch, on the 7th September, 1853, with a stipulation annexed thereto.

(Vide page 18 of this Transcript.)

In the same case, the counsel for the claimant filed a document marked Q, being a certified copy of the proceedings of the probate court of San Francisco county, to wit, the exemplification of the record of the will of Eliah Grimes, deceased.

(Vide page 151 of this Transcript.)

SAN FRANCISCO, *July 19th*, 1854.

Case No. 683 was submitted on briefs, and taken under advisement by the board.

In the same case, the counsel for the claimant filed the following stipulation, to wit:

(Vide page 25 of this Transcript.)

SAN FRANCISCO, *March 9th*, 1855.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(Vide page 26 of this Transcript.)

SAN FRANCISCO, *May 4th*, 1855.

In the same case, the counsel for the claimant filed the following stipulation, to wit:

(Vide page 27 of this Transcript.)

SAN FRANCISCO, *January 15th*, 1856.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the board rejecting the claim.

(Vide page 161 of this Transcript.)

And the following order was made, to wit:

(Vide page 165 of this Transcript.)

Petition.

To the Board of Commissioners to ascertain and settle the private land claims in the State of California:

The petition of Hiram Grimes, in his own right, and on his own behalf, and also of the said Hiram Grimes as executor of the last will and testament of Eliab Grimes, deceased, respectfully showeth:

That on the 18th day of June, 1841, Juan B. Alvarado, then being the commandante general of the department of the Californias, duly appointed and commissioned by the central government of the Republic of Mexico, by virtue of, and in conformity to, the power and authority for that purpose in him vested, upon the petition of John A. Sutter, then being a naturalized citizen of the said

republic, and a resident of the said department of the Californias, did grant unto said John A. Sutter of the land on the borders of the Sacramento river, in the vacant lands of the then northern frontier, eleven square leagues, as exhibited in the map or sketch accompanying the said petition, and which said map, forming part of the espediente deposited in the archives of the department of Upper California, has been lost from said archives, and the copy delivered to said John A. Sutter has also been lost or was destroyed by fire in the city of Sacramento; but of which said map or sketch a copy made from the best information your petitioner has been able to obtain is herewith presented, and marked A, without including the land overflowed by the swelling and current of the river, and supposed to be bounded on the north by (Los tres Picos,) the Three Summits, in 39° 41′ 45″ north latitude; on the east by the borders of the "Rio de las Plumas," (Feather river;) on the south by the parallel of 38° 49′ 32″ of north latitude; and on the west by the river Sacramento, in and known as and called New Helvetia, (a copy of which grant is hereto annexed, marked "B.")

Your petitioner further shows, that the said map so accompanying the said petition of John A. Sutter, and the said grant to him, represented the southern boundary line of the tract of land so asked for and granted as crossing the Sacramento river, at the distance of about four miles south of the mouth of the river called the American river; that the principal settlement, then known as New Helvetia, was situated south of said American fork (river), and that the tract of land so asked for and granted extended to the said line, as represented on said map, south of said American fork, but that owing to the imperfection of the instruments used in determining the latitude of said line, such latitude as your petitioner is informed and believes is incorrectly stated on said map.

That, in accordance with the terms and conditions of the said grant, legal possession of the said land, according to the laws and customs of the said republic of Mexico, was obtained by said John A. Sutter, which possession has continued in said John A. Sutter and his grantees, undisturbed by any conflicting title or claim of any person whatsoever from thence hitherto.

Your petitioner further shows unto your honorable board, that said John A. Sutter being so aforesaid in undisturbed possession of the said land, so as aforesaid granted to him on the 5th day of February, 1845, Manuel Micheltorena, then being the commandante general of the department of the Californias, duly appointed and commissioned by the central government of the republic of Mexico, by virtue of and in conformity to the powers and authority for that purpose in him vested, upon the petition of said John A. Sutter, and his son John A. Sutter, junior, naturalized citizens of the republic of Mexico, and residents of the said department of the Californias, did grant unto said John A. Sutter, and his son

John A. Sutter, junior, of the surplus of the land lying within the said rancho of New Helvetia, as laid down in the map, which, as aforesaid, accompanied the grant thereof, being two square leagues described upon the said map, a copy of which grant is hereto annexed marked "C."

That in accordance with the terms of the said last mentioned grant, legal posession of the said land, according to the laws and customs of the republic of Mexico, was obtained by said John A. Sutter, and his said son, John A. Sutter, junior, which possession has continued in said John A. Sutter and his said son, and their grantees, undisturbed by any conflicting title or claim of any person whatsoever from thence hitherto.

Your petitioner further shows unto your honorable board, that subsequently to the making of the aforesaid second above mentiond grant, the whole interest of John A. Sutter, junior, became and was by proper conveyance, and for a valuable consideration, vested in said John A. Sutter.

Your petitioner further shows, that the land claimed under and by virtue of the grants above mentioned, has never been certified or surveyed by the surveyor general.

And your petitioner further represents, that after the making of said first mentioned grant, to wit, on the tenth day of August, A. D. 1843, the said John A. Sutter, by deed under his hand and seal, duly made and executed, and bearing that date, granted and conveyed to Eliab Grimes, Hiram Grimes, (your petitioner,) and John Sinclair, a portion of the land and premises designated on the said map or sketch, and forming part of the land and territory so as aforesaid granted to the said John A. Sutter and John A. Sutter, junior, and by the aforementioned two grants, the said petition so granted and conveyed by said John A. Sutter to your petitioner, and in fee of the premises granted by said deed, that they were free from all incumbrance, and that he had good right to dispose and convey the same to the said Eliab Grimes, Hiram Grimes, and John Sinclair as aforesaid, and that he would, and his heirs, executors, and administrators should warrant and defend the same to the said Eliab Grimes, Hiram Grimes and John Sinclair, their heirs and assigns forever, against the lawful demands of all persons; and your petitioner claims that he, and the said Eliab Grimes and John Sinclair, and their heirs and assigns, are entitled to the benefit and advantage of any title that said John A. Sutter may have acquired to said premises described in said deed, or any part thereof, at any time subsequent to the making of said deed.

And your petitioner further shows, that said Eliab Grimes died at San Francisco on or about the seventh day of November, A. D. 1848, seized and possessed of the undivided third part of the land and premises so as aforesaid granted and conveyed to him, your petitioner, and said John H. Sinclair, by the said John A.

Sutter, and *having* a last will and testament, in and by which your petitioner, with certain other persons, were named as the executors thereof, and in and by which he directed all his property to be converted into money by the said executors, and the proceeds paid and distributed as is therein more particularly specified.

And your petitioner further showeth, that your petitioner has duly qualified as such executor, had taken upon himself the burthen and duty of executing the said will, but that neither of the other named executors have so done, but have announced the same, and that your petitioner is the sole executor of the said will, and, as such, claims the right to ask for and receive a confirmation from your honorable board of the claim to the said undivided third part of said premises of which said Eliab Grimes so died seized and possessed, or to so much thereof as has not been subsequently conveyed as is hereinafter set forth.

And your petitioner further showeth, that afterwards, to wit, on the 27th day of February, A. D. 1849, the said John Sinclair and Mary, his wife, by a deed bearing that date, under their hands and seals, duly made and executed, bargained, sold, and quit-claimed to your petitioner, his heirs and assigns forever, all the right, title, and interest of said John Sinclair, and his said wife, in and to the said tract of land so as aforesaid known and described as "Rancho del Passo."

And your petitioner further showeth, that afterwards, a doubt having arisen as to whether the said John A. Sutter had a good title to the whole, and particularly to the eastern portion of the premises so as aforesaid known by the name and description of "Rancho del Passo," the said Eliab Grimes asked and obtained from the Mexican government, directly to himself, an original grant dated the 20th day of December, 1844, of a portion of said tract so known as "Rancho del Passo," described as follows, to wit: Situated on the north bank of the American river, commencing the measurement on the north of the bank of said American river at the distance of one league to the east of its mouth in the river Sacramento, following the course of the American river in the direction of E. by S., the distance of three leagues; then from thence towards the N. three and a half leagues from this point towards the W. three leagues, and from this last point, in the direction of S., until the first named point, three leagues, as designated by dotted lines on the said map marked "D," and which said last described portion of said "Rancho del Passo" has subsequently been conveyed by your petitioner, as devisee of said Eliab Grimes to one Samuel Norris.

Your petitioner further showeth, that he claims in his own right two undivided third parts, and in his right as executor of the said last will and testament of said Eliab Grimes, one undivided third part of twenty-two square leagues of land, within the limits of said

tract of land so as aforesaid granted and conveyed by the said John A. Sutter to your petitioner and the said *Eiab* Grimes and John Sinclair, and known as the "Rancho del Passo," exclusive of the portion thereof so as aforesaid granted by the Mexican government directly to said Eliab Grimes, and subsequently conveyed to said Samuel Norris, and being the whole of said tract of land known and described as "Rancho del Passo," except the said last mentioned portion so granted by the Mexican government to said Eliab Grimes, and subsequently conveyed to said Samuel Norris; and your petitioner prays your honorable board to confirm his said claim accordingly, and for which he relies upon the documentary evidence hereinbefore mentioned and referred to, and upon such other documentary and other evidence as he may be able to produce.

HIRAM GRIMES,
For Himself, and as Executor of Eliab Grimes.

EDWARD NORTON,
A. C. WHITCOMB,
Counsel.

San Francisco, March 1st, 1853.

Filed in office March 1st, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of John S. Fowler.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c.

This day, before Commissioner Thompson Campbell, came John S. Fowler, a witness in behalf of claimant Hiram Grimes, No. 683, who, after being duly sworn, deposed as follows:

What is your name, age, and place of residence?

Answer. My name is John S. Fowler; I am thirty-four years of age last July; and I reside in Sacramento city.

Question 2d. Are you acquainted with John A. Sutter, and did you at any time have in your possession an original grant from the Mexican authorities to said Sutter for eleven leagues of land called New Helvetia, and also a further grant for the sobrante? And if so, state what became of said original documents.

Answer. I am acquainted with John A. Sutter; I had both of said original grants. Those grants were destroyed by a conflagration which took place in Sacramento city, at which time my office was destroyed, with all its contents.

Said documents were in my possesssion as the agent of Captain Sutter, delivered to me by him in the month of July, 1850, and the fire which destroyed my office took place in October, 1851.

Associate law agent present.

JOHN S. FOWLER.

Sworn to and subscribed before me, this 17th day of October, A. D. 1853.

THOMPSON CAMPBELL,
Commissioner.

Filed in office October 17th, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of S. J. Hensley.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c.

This day, before Commissioner Thompson Campbell, came Samuel J. Hensley, a witness in behalf of claimant Hiram Grimes, No. 683, who, after being duly sworn, deposed as follows:

What is your name, age, and place of residence?

Answer. My name is Samuel J. Hensley; I am about thirty-six years of age; and I reside at San José.

Question. Are you acquainted with the handwriting of John A. Sutter? If so, look upon the paper now shown you, and marked (A,) and state whether his name, where it appears on said paper, is in his handwriting.

Answer. I am acquainted with the handwriting of John A. Sutter, having frequently seen him write. The paper now shown me, and marked "A," on which his name appears, is in his handwriting.

Question. Look on said paper marked "A," and state whether you are acquainted with the signatures of the subscribing witnesses to said paper; and if so, state whether they are their genuine signatures, and whether all of said witnesses are now living or reside in this State.

Answer. I am acquainted with the handwriting of C. M. Flugg, one of said subscribing witnesses to the said paper marked ("A,") and know his signature as there written to be genuine. Both the subscribing witnesses to said paper, I have been informed and believe, are dead.

I have carefully examined the presented document now shown me, and marked ("A A,") and find the same to be a true and correct copy of the original document marked "A," to which reference has been made in the foregoing part of this deposition.

The words privileges are inserted between the 14th and 15th lines of said printed copy, *are* part of said original document, and the written signatures attached to said printed copy correspond with the signatures attached to said original document.

Associate law agent present.

S. J. HENSLEY.

Sworn to and subscribed before me, this 17th day of October, A. D. 1853.

THOMPSON CAMPBELL,
Commissioner.

Filed in office October 17th, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Bidwell.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *May 10th*, 1854.

This day personally came before Peter Lott, a commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, John Bidwell, a witness on behalf of the claimant in case No. 683 on the docket of said board, wherein Hiram Grimes is claimant; and the said witness, being duly sworn, on oath deposed in the English language as follows, to wit:

The U. S. law agent is present.

Questions by Attorney for Claimant.

1st question. What is your name, age, and place of residence?

Answer. My name is John Bidwell; 34 years of age; and residence "Chico," Butte county, and State of California.

2d question. Where did you reside in the year 1841, and since that time?

Answer. I came to California in 1841, and resided a short time at New Helvetia in 1842. I resided at Bodega in 1843, at the Hock farm, on Feather river.

3d question. Did you in the year 1843 know John A. Sutter, Eliab Grimes, Hiram Grimes, John Sinclair, or any and which of them; and do you know anything of a grant made by said Sutter to the others? and if so, state where the land was situated, and what you know as to the conveyance or grant, and if the tract was known by any name; and if so, by what name?

Answer. I know John A. Sutter, Eliab Grimes, and John Sinclair, and knew Hiram Grimes by reputation, but not personally. I know that Captain Sutter deeded a tract of land to Eliab Grimes, Hiram Grimes, and John Sinclar, because the title was sent to me by Eliab Grimes for the purpose of making a map of it.

The land was situate east of the Sacramento river, and between the American fork and a line running due east from the mouth of the Feather river. The tract was known and called the Rancho del Passo. That was the only name I ever heard of it.

4th question. Did you make such map for Eliab Grimes, and have you seen it recently, and where?

Answer. I did make such map, and have seen it yesterday among the archives in the office of the surveyor general of the United States for the State of California, and forming a part of espediente No. 403.

5th question. Do you recognise the traced copy of said map now

shown to you and forming a part of the copy of said espediente, and to this deposition annexed and marked Exhibit "A?" and if so, describe the tract on said map which was known by the name of "Rancho del Passo."

Answer. The tract known by the name of Rancho del Passo is embraced between the Sacramento river, the American river, and the dotted lines on the east from the American river north, and on the north from the Sacramento river at the mouth of Feather river east, and which dotted lines are represented on the map as meeting at right angles.

Cross-examined by the Law Agent.

1st question. When and where was the land you have named called the Rancho del Passo; who named it so; why was it so called; what was the amount of land so called; what were the boundaries, and who fixed and established the lines?

Answer. The land was first called Rancho del Passo; that is, I first heard it so called in 1843. It took its name from the ford, which was at that time the only good crossing on the American river. It lay north of the American river, and east of the Sacramento river.

The only knowledge I had of the boundaries was derived from the transfer made by John A. Sutter to Eliab Grimes, Hiram Grimes, and John Sinclair.

The boundaries as therein described were, as far as I remember, as follows: The American river on the south; the Sacramento river on the west, and a line runnning due east from the mouth of Feather river on the north. The amount of land embraced within those limits could not be much less than two hundred sections, the most of which was overflowed and barren lands.

J. BIDWELL.

Subscribed and sworn to before me on this 10th day of May, A. D. 1854.

PETER LOTT,
Commissioner for taking Testimony, &c.

Filed in office May 10th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of W. M. Carpenter.

Number 181.

OFFICE OF COMMISSIONERS OF LAND CLAIMS IN CALIFORNIA.

This day, before Commissioner Alpheus Felch, came William M. Carpenter, a witness in behalf of claimant, Hiram Grimes, No. 181, who, after being duly sworn, deposed as follows:

Questions by Mr. Whitcomb, Attorney for Claimant.

1st question. What are your name, age, and place of residence, and where did you reside in February, A. D. 1849?

Answer. My name is William M. Carpenter; my age is forty-four years; and I reside at Sacramento city, in California. I also resided there in February, 1849.

2d question. In the year 1849, did you know John Sinclair, Mary Sinclair, his wife, Peter H. Burnett and Henry A. Schoolcraft? If yea, where did they reside?

Answer. I knew them all at that time. Peter H. Burnett and Henry A. Schoolcraft resided at Sutter's fort, which is within the present limits of the city of Sacramento. Mr. Sinclair and his wife resided at that time on his ranch, which is on the north side of the American river, about three miles from Sutter's fort.

3d question. Look on the document here presented, marked Exhibit No. 2, annexed to the deposition of Samuel J. Hensley, and filed in this case, and also marked with the initials H. F., and state whether you are acquainted with the signatures of the persons above named; and if so, whether the signatures of those individuals appearing on said document are their own true and genuine signatures respectively, and whether you were present when said document was executed, and thereupon subscribed your name as a witness thereto?

Answer. I know the signatures of those persons named in the second interrogatory, and have seen each of them write.

The document was executed in my office, and when I was personally present; and I saw John Sinclair, Mary Sinclair, and Peter H. Burnett, sign their names respectively thereto, and know the signatures to be genuine, and I subscribed my own name at the same time thereto as a witness.

I did not see Mr. Schoolcraft subscribe his name thereto; he was in another office within the fort. I have often seen him write and know his handwriting, and I believe the signature on said paper, purporting to be his, is his own handwriting.

WILLIAM M. CARPENTER.

Mr. Greenhow, associate law agent, was present at the taking of this deposition, but declined to interrogate the witness.

Sworn to and subscribed before me this seventh day of September, A. D. 1853.

(Signed) ALPHEUS FELCH.

UNITED STATES LAND COMMISSION, CALIFORNIA.

Claim of Hiram Grimes for himself, and as executor, &c.—No. 683.

[*Here follow two maps, marked A and D.*]

Stipulation.

It is hereby stipulated and agreed that the testimony or deposition of William M. Carpenter in the case or claim No. 181 on the docket of the commission, of which the foregoing is a copy, and the document marked Exhibit No. D, therein mentioned, may be used and read in evidence in and upon the hearing of the case or claim of Hiram Grimes on his own behalf, and as executor, &c., number six hundred and eighty-three on the docket of the commission, with the like effect in all respects as if said testimony or deposition had been taken in this case or claim number six hundred and eighty-three.

San Francisco, July 14th, 1854.

EDWARD NORTON,
A. C. WHITCOMB,
Counsel for Claimant.

J. H. McKUNE, *Law Agent.*

Filed in office July 18, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Stipulation.

UNITED STATES LAND COMMISSION FOR THE STATE OF CALIFORNIA.

HIRAM GRIMES, for himself and as executor, &c., of Eliab Grimes, Claimant,
vs.
THE UNITED STATES.
} Case No. 683.

It is hereby stipulated and agreed that the depositions, exhibits, documents and proofs, hereinafter specified, and which are on file, and have been taken and exhibited in the case No. 92, John H. Sutter, claimant, before this board, may be presented, given in evidence, and used in this case, in all stages of the proceedings, and whether before this board or on appeal, with the like effect as if the same had been originally produced, filed, or given in evidence, in this case, to wit:

1st. Exhibit "A," being a copy of Sutter's first petition, with the grant and other proceedings annexed, and the certificate of Hartnell.

2d. A translation of the same.

3d. A traced copy of the same.

4th. Exhibit "C," being a copy of the sobrante grant and translation.

5th. Exhibit "O," being a traced copy of the espediente of the Liedesdorff grant.

6th. Deposition of Manuel Jimeno.

7th. Deposition of Juan Castaneda.

8th. Deposition of Francisco Arce.

9th. Deposition of W. E. P. Hartnell.

10th. Deposition of John Bidwell, taken April 8th, 1852.
11th. Deposition of Samuel J. Hensley.
12th. Deposition of Antonio Suñol.
13th. Deposition of Victor Prudhon.
14th. Deposition of José Maria Covarrubias.
15th. Deposition of J. J. Vioget, taken June 4th, 1852.
16th. The deed of John A. Sutter, jr., to John A. Sutter, with the proof of its execution.

J. H. McKUNE, *Law Agent.*
E. NORTON,
A. C. WHITCOMB,
Counsel for Claimant.

SAN FRANCISCO, *July 11th*, 1854.

Filed in office July 18th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Stipulation.

UNITED STATES LAND COMMISSION.

HIRAM GRIMES, for self, and as executor, &c., Claimant,
vs.
THE UNITED STATES.
} Case No. 683.

It is hereby stipulated and agreed that the document marked Exhibit "A A," annexed to deposition of Samuel J. Hensley, filed in office October 17th, 1853, and also marked "H H," Thompson Campbell, filed herein, the same being a correct and compared copy of the original deed from John A. Sutter to Eliab Grimes, Hiram Grimes, and John Sinclair, may be used and read in evidence in and upon the hearing of the above case in all its stages, with the like effect in all respects as if it were the said original deed, or as though the said original was on file herein.

EDWARD NORTON,
A. C. WHITCOMB,
Counsel for Claimant.

J. H. McKUNE, *Law Agent.*

San Francisco, July 18th, 1854.

Filed in office July 18, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Stipulation.

UNITED STATES LAND COMMISSION.

HIRAM GRIMES, for self and as executor, Claimant,
vs.
THE UNITED STATES.

It is hereby stipulated that the map in case No. 92, "X. Y. Z.," No. 1, annexed to a stipulation in case No. 92, John A. Sutter against the United States, may be used in evidence in and upon the hearing of this cause, the claimant, however, reserving all his rights to question the accuracy of the same.

A. C. WHITCOMB,
Counsel for Claimant.

J. H. McKUNE, *Law Agent.*

July 19th, 1854.

Filed in office July 19th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Stipulation.

UNITED STATES LAND COMMISSION
For ascertaining and settling private land claims in the State of Cal'a.

HIRAM GRIMES, for himself and as executor, &c., Claimant,
vs.
THE UNITED STATES.
} No. 683, for "Rancho del Passo," part of New Helvetia.

It is hereby stipulated and agreed that the deposition of Juan J. Vioget, taken this day before Commissioner Lott, in case number ninety-two (92) on the docket of this commission, and the map marked "A. P. L.," also filed in said case No. 92 this day, and annexed to said deposition as an exhibit thereto, may be read and used in evidence in the case of Hiram Grimes, for himself and as executor, &c., vs. The United States, number six hundred and eighty-three (683) on the docket of this commission, with the like effect in all the stages of this case as though the said deposition with the said map annexed had been taken in this case, number six hundred and eighty-three, (683.)

J. H. McKUNE,
U. S. Law Agent.

EDWARD NORTON,
A. C. WHITCOMB,
Counsel for Hiram Grimes, Claimant.

San Francisco, March 8th, 1855.

Filed in office March 9th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Stipulation.

UNITED STATES LAND COMMISSION FOR CALIFORNIA.

HIRAM GRIMES, for himself and as executor, &c., Claimant,
vs.
THE UNITED STATES.
} Case No. 683, "Rancho del Passo."

It is hereby stipulated and agreed that the depositions (with the exhibits thereto annexed and therein referred to) of Juan B. Alvarado, taken March 15th, and filed March 20th, 1855; Samuel Ryburz, taken and filed June 24th, 1844; Joseph Clough, Abner Bryan, and J. P. Leese, taken and filed July 18th, 1854; and Henry L. Ford, taken March 12th and 13th, and filed March 20th, 1855—all taken and filed in case number ninety-two, (92,) John A. Sutter vs. The United States, on the docket of this commission—may be used and read in evidence in and upon the hearing and consideration of this claim or case of Hiram Grimes, for himself and as executor, &c., vs. The United States, number six hundred and eighty-three, (683,) with the like effect in all respects and stages as if the said depositions (with the exhibits) had been taken and filed in this case or claim number six hundred and eighty-three, (683.)

A. C. WHITCOMB,
EDWARD NORTON,
Of Connsel.

J. H. McKUNE,
U. S. Law Agent.

San Francisco, May 10th, 1855.

Filed in office May 14th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

[*Here follows map of a part of New Helvetia—see original, page* 22.]

Deposition of Manuel Jimeno in No. 92.

SAN FRANCISCO, *March* 18*th*, 1852.

On this day, before Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came Manuel Jimeno, a witness produced in behalf of the claimant in the case of the petition of John A. Sutter, being number 92 on the docket of the commissioners, and was duly sworn.

The law agent was duly notified, and attended.

In answer to questions put by Mr. Chitwood, counsel for the petitioner, the witness testified as follows:

My name is Manuel Jimeno; my age is forty-nine years; and I reside in Monterey, where I have resided for twenty-four years past. I was acquainted with Micheltorena in California; he was general and governor; he was military governor of the two Californias, and civil governor of Upper California from the latter part of the year 1842 to the commencement of 1845. He had these offices for three or four months in 1845. I held the office of secretary to the governor during the whole period of his continuance in office.

A petition by John A. Sutter in the name of his son for an extension of land was presented to Governor Micheltorena in 1843 or 1844. The petition was presented to the governor by David Spence, of Monterey. The governor asked from me as secretary the information of whether the petition could be granted.

I replied that there was no objection. He then stated that it was very well, and it remained to be matured on another occasion.

The governor was at that time thinking *to* a visit to Sacramento, but other important military affairs required his attention to the exclusion of civil affairs, and this subject was neglected. At that there were many petitions presented for lands in Sacramento, which the governor did not wish to grant until after he had been to examine in person.

He was prevented from going to Sacramento by political difficulties which commenced about that time.

The petition was not granted so far as I know; there was a map attached to the petition, as I believe.

In answer to inquiries made by Mr. Cooley, the law agent, the witness testified:

The governor asked information of me as secretary, because he was accustomed to do so in all cases, and because I suppose he placed special confidence in me. The governor directed me to make information on other subjects, and to ask information from other authorities, if I considered it necessary to do so.

My position as secretary, and from the length of time I had been in the country, and the public offices I had filled, I was supposed to be well informed on these matters.

I think I had the information that Sutter possessed the requisites to entitle him to a grant.

I know that Sutter was a naturalized citizen of Mexico; and I was informed the lands were vacant, there not being even Indians there. I do not recollect where the map which accompanied the petition located the land.

MAN'L JIMENO.

Sworn and subscribed before me.

HILAND HALL,
Commissioner.

Filed in office March 19th, 1852.
(Signed) GEO. FISHER,
Sec'y.

Deposition of Juan Castaneda in No. 92.

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS.

SAN FRANCISCO, *March 30th*, 1852.

On this day, before me, Harry J. Thornton, one of the commis-

sioners for ascertaining and settling private land claims in the State of California, came Juan Castaneda, a witness produced in behalf of John A. Sutter, No. 92 on the docket of the commissioners, being duly sworn, testified as follows; his evidence being given in the Spanish language, and interpreted by the secretary, George Fisher.

The law agent being notified and was present.

Questions propounded by the Claimant.

Question 1st. What is your name, age, and place of residence?

Answer. My name is Juan Castaneda; my age about forty-five years; and my present residence, Sonoma.

Question 2d. Do you know Manuel Micheltorena, and what offices he held, civil and military, in Alta California?

Answer. I know him; I came with him to this country; he was the civil governor and the commander-in-chief of both Californias.

Question 3d. When did he first come to Upper California to exercise his offices, and how long did he continue in the same in California?

Answer. He arrived in September, 1842, and continued until April, or May, 1845.

Question 4th. Do you know John A. Sutter, and how long have you known him; and where did he live when you first became acquainted with him?

Answer. Yes, I do know him, and have known him since 1839; when I first knew him he lived in Sacramento; it was then called New Helvetia.

Question 5th. Do you know anything about a petition presented by said Sutter in behalf of himself and his son, to the governor Micheltorena, for a grant of land? and if so, state all you know about it.

Answer. I do know that Sutter presented as above stated, which petition was acted on in the usual form and granted.

Question 6th. Was any title granted by Micheltorena upon that petition; and if you know, who drew that deed?

Answer. I do know that a title was granted by Governor Micheltorena to Captain Sutter. I drew the deed myself, being his aid-de-camp; was with him at Santa Barbara when he executed the deed, in my presence. That we were at Monterey just before this civil commotion broke out, and we hastened to Santa Barbara on our way to Los Angeles, and the deed was executed in Santa Barbara.

Question 7th. When was the petition you have before spoken of presented to Governor Micheltorena, and when the deed *was* granted?

Answer. When I first knew about this petition being presented, it was in the month of October, 1844, and the deed was executed about the month of January or February, 1845.

Question 8th. Do you recollect how many leagues the grant was for, and where the land is situated?

Answer. I do not know the quantity of land which was granted to him; Captain Sutter had received a grant of land called New Helvetia, which he represented as having distributed amongst his colonists; then he petitioned for a grant for himself and his son of the surplus or "sobrante," which was granted to him on the title aforesaid.

Question 9th. Will you look at the paper marked Exhibit "C," attached to the petition in this case, and say whether, from the contents of said grant which you drew, you believe this exhibit to be a true copy *of* thereof?

Answer. I have examined the paper described in the above interrogatory, and I believe the same to be a true copy of the deed drawn by me and executed by Micheltorena, as above referred to.

J. DE CASTANEDA.

Sworn to and subscribed before me this 30th of March, 1851.

HARRY J. THORNTON,
Commissioner.

Filed in office March 30th, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Bidwell in No. 92.

SAN FRANCISCO, *April 8th*, 1852.

On this day, before Hiland Hall, one of the commissioners for ascertaining and settling land claims in California, came John Bidwell, a witness produced in behalf of the claimant in the case of John A. Sutter, being number 92 on the docket of the commissioners, and was duly sworn.

The law agent was notified, and attended by Mr. Greenhow.

In answer to inquiries put in behalf of the claimant, the witness testified as follows:

My name is John Bidwell; I am thirty-two years of age, and I reside at Chico, in the county of Butte.

I am acquainted with Captain Sutter, the claimant in this case. There was a grant of eleven leagues of land to him, previous to 1841, by Governor Alvarado, situated on the east bank of Sacramento river, between parallel of latitude 39 degrees 33 minutes and 45 seconds, and another parallel running some three or four miles south of the present site of Sacramento city, including both banks of Feather river. One of the conditions of the grant was that he was to settle twelve families upon it.

I know that this condition was complied with. I frequently saw more than that number upon the land. When I came to this county in 1841, Captain Sutter was settled on the land at New

Helvetia, where his fort was built. The fort was begun in 1841, and finished in 1843.

The families before mentioned were part of them settled about the fort, and a part on the American fork, and another part on Feather river, all within the limits of his grant.

I know that Captain Sutter, in the fall of 1844, made application to Governor Micheltorena for a grant of the surplus land included in his original map. I suppose it was granted to him.

The grounds upon which Captain Sutter applied for the grant of this sobrante was, that he had been an officer in charge of the frontiers for several years, and had kept the frontier quiet and the government advised of its condition for several years, by sending couriers to Monterey and Los Angelos, all at his own expense, and that he had fulfilled the conditions of his first grant.

I was in the employment of Captain Sutter from 1841 to 1846, and had no knowledge that he ever received any compensation from the government for his services, unless by the said grant of land.

The sobrante was occupied by Captain Sutter. He had cattle and horses on all that tract between the Sacramento and Feather rivers; at one time he had over 4,000 head of cattle and 1,000 head of horses there.

He had persons settled east of Feather river on Yuba river, about a league and a half from Feather river. I think this was on the sobrante, but am not certain.

He had a grist-mill on the American fork, about six miles from the Sacramento, within the lands of the original grant from Alvarado.

In answer to questions by the law agent, the witness testified as follows:

I do not know the terms on which the families settled on the land. I know that some of them had lands granted them by Capt. Sutter. I do not know whether others had such grants or not.

Captain Sutter was a captain in the Mexican army.

The families cultivated the land and put stock on it. I do not know whether that was a grant to Captain Sutter of the sobrante or not.

I accompanied Captain Sutter to Monterey when he applied for the sobrante, and I remained there until after he left. He left, I think, the fore part of November, 1844. Governor Micheltorena was in authority at that time.

J. BIDWELL.

Sworn and subscribed before me.

HILAND HALL,
Commissioner.

Filed in office April 8th, 1852.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. J. Vioget in No. 92.

OFFICE OF THE BOARD OF LAND COMMISSIONERS FOR CALIFORNIA,
San Francisco, January 4th, 1852.

On this day, before Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in California, came John J. Vioget, a witness produced on behalf of the claimant, John A. Sutter, being No. 92 on the docket of said commissioners, and being duly sworn, testified as follows:

The U. S. law agent being notified, declined to cross-examine.

Questions by Claimant.

Question 1st. What is your name, age, and place of residence, and how long have you resided at said place?

Answer. John J. Vioget is my name; my age is fifty-three; my residence is in California, where I have resided since 1837.

Question 2d. Are you acquainted with Captain John A. Sutter, the grantee in the land claimed in this case?

Answer. I am.

Question 3d. Are you acquainted with the settlement or tract of land claimed in this case, and called New Helvetia? and if so, state what you know of its southern boundary.

Answer. The southern boundary of this tract of land commences on the Sacramento river, where Sutterville now stands, and runs thence to the southern end or point of a pond or laguna; then runs along the east side of said pond to a row of oaks on the same side of the said pond. It runs thence to within about four hundred yards, in the same course, of Sinclair's house; thence, turning east along the general course of the American fork of the Sacramento river for about three miles, to the river, and down the American fork to the junction of Sacramento river, and along Sacramento river to the point of beginning.

Question 4th. Look on this map, marked Exhibit (B,) filed with the petition in this case, and say whether the representation of said map agrees with the description given in your answer to interrogatory No. 3.

Answer. It is a correct representation.

Question 5th. Is the map now referred to and filed with the petition in this case, and marked Exhibit (B,) a correct copy of the map made by you for Captain Sutter; and if so, in what year was it made?

Answer. The general outlines are correct. There are some objects omitted, and some inserted, such as houses and farms, which were not on the map made by me.

In relation to the southern line, the observation made of the latitude is not correct, in consequence of my inability to procure correct instruments, which I mentioned at the time of taking the

observation to Captain Sutter, and his original map referred to was made by me in January, 1841, as I believe.

Question 6th. Was the original map which you have referred to as made by you executed prior to the grant?

Answer. It was made by me prior to the grant.

JOHN J. VIOGET.

The U. S. law agent notified and declined to cross-examine.

Sworn to and subscribed before me, this 4th of June, 1852.

HARRY T. THORNTON,
Commissioner.

Filed in office June 4th, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of S. J. Hensley in No. 92.

SAN FRANCISCO, *February 2d,* 1853.

On this day, before Commissioner Harry J. Thornton, came Samuel J. Hensley, a witness produced in behalf of the claimant, John A. Sutter, petition No. 92, and was duly sworn, his evidence being given in English.

The U. S. associate law agent present.

Questions by Claimant.

Question 1st. What is your name, age, and place of residence, and how long have you resided there?

Answer. My name is Samuel J. Hensley; my age is about thirty-six; my place of residence is San José, California, in which State I have lived ever since the year 1843.

Question 2d. Are you acquainted with John A. Sutter, the claimant in this case, and with the place called New Helvetia? If yea, state how long you have known them, and what you know of the first settlement of the said place called New Helvetia, and by whom it was settled.

Answer. I am acquainted with both Sutter and the place spoken of. I have known Sutter ever since the year 1836. I arrived at New Helvetia, the place claimed, in 1843. It was a large adobe building, surrounded by a wall of adobe of the height of about fifteen feet, and in width about three feet. The enclosure by this wall was an area of about one hundred and eighty yards in length and about seventy in breadth. There were two bastions finished on the angles of this wall, and four guns mounted on each one of them. There were finished at the time within this fort dwelling-houses and houses for the manufacture of various articles. There was a grist mill, carpenters' shop, blacksmiths' shop, gunsmiths' shop, shoemaking shop, a distillery of grain raised on the place. The remainder of the buildings completing the fort were erected in the

winter of 1843 and the spring of 1844. There was an adobe building, about two or three hundred yards from the fort, for the vaqueros; and about a mile from the fort, on the American river, there was an adobe building used for the purpose of tanning; also, about three miles from the fort, on the American river, there was a house occupied by a Mr. St. Clair, who was holding under the claimant, Sutter.

These were all the buildings in the neighborhood of the fort. The claimant had about five or six hundred acres of land on the place, enclosed by a ditch, in which he cultivated chiefly barley, wheat, and peas.

He had some vines growing and some fruit trees. The stock about the time above spoken of was about eight thousand head of cattle and about three thousand of horses and mares; about eight hundred head of sheep, and about four hundred head of hogs. This stock was all on the same claim, but divided in the different settlements thereon. The number of white persons who resided in the fort, and were retainers and employees of Sutter, were about twenty-five. The Indians employed by him were from one hundred to two thousand, as the work and business on the premises would require.

Question 3d. At the time you have spoken of as of your arrival at New Helvetia, viz: in 1843, what improvements were there, if any, and by whom made, at the place called Hock farm? and state, if you know, where Hock farm is situated.

Answer. Hock farm is situated on the west bank of Feather river, about sixteen miles above its junction with the Sacramento river. There was at that time a small adobe building, a corral built, and there was then under way the adobe building that the claimant now resides in. These improvements were put there by and under the direction and at the charge of Captain Sutter, the claimant.

Question 3d. Was there or not any land in cultivation on Hock farm at the time you speak of, and under whose charge was the place?

Answer. I am not sure that there was any in cultivation in 1843, but I am sure that there was in 1844. It was in the charge of Mr. Bidwell, who superintended for Captain Sutter.

Question 4th. State if you know the location of the place called New Helvetia, with reference to other places or rivers in that section of the country?

Answer. The fort of New Helvetia is situated about one mile from the American river, on the south side thereof, and about two miles and a half above the junction of said river with the Sacramento river.

Question 5th. How long did you remain at New Helvetia after your arrival as above mentioned, and what opportunities have you had to know its improvement, cultivation, &c., then and since?

Answer. I made New Helvetia my headquarters, and considered it my home, and was there from time to time up to the spring of 1846.

Question 6th. State if you know what further improvements were made, either by Capt. Sutter or by persons settled on the land by him, south of the American river, or on the west bank of Feather river, down to the year 1846?

Answer. There was a house built by a Mr. Montgomery, a blacksmith, on the American river, south side, built about 1845. There was a building put up by Sutter for the person who was to attend his sheep, at a place about three miles from fort New Helvetia, near the Sacramento river.

There was a small place improved on the south side of the American river, about a half mile from the junction of the two rivers. The improvements at Hock farm have been gradually increasing and extending from the time I first knew the place up to this time.

There was erected by Capt. Sutter at the fort outside, a large adobe building for the use and occupation of such emigrants as came into the county before their settlement.

Question. Do you know or not of settlements made by Captain Sutter of families and individuals on this claim? If yea, state, as well as you can recollect, the number of such.

Answer. There must have been settled by him between fifteen and twenty families on the land prior to the year 1846.

Question. State what effect the establishment of Sutter's fort, &c., of which you have spoken, had in regard to protecting the frontier and that portion of country from the Indians, and in promoting and facilitating the immigration into the country?

Answer. The establishment of Sutter's fort did serve to protect settlements, and to induce them to be made; and I further believe that but for Sutter's fort and his forces which he could command and control, that the foreign emigrants would have been all drawn out of the country.

I know that Capt. Sutter always acted with great kindness to the emigrants. He gave them aid where in distress, and work to do, for which he paid them whenever they wanted it.

Questions by the United States Law Agent.

Question 1st. Do you know whether Captain Sutter ever received any grant or title for the lands on which these improvements were made? If so, state when and by whom the title was given, and what were the limits of the tract granted.

Answer. I saw a paper purporting to be a title from Governor Alvarado, in the possession and custody of Captain Sutter, as the limits of the land.

I understood from Capt. Sutter and from Capt. Vioget, who made

the survey, that it commenced at a point on the Sacramento river about four miles below the mouth of the American river. It run about eastwardly there, the distance of about eight miles; thence northwardly, crossing the American river and the Yuba, a distance of I suppose fifty miles; thence westwardly to the Sacramento river, crossing the Feather river; thence down the Sacramento river to the beginning. As to the like running northwardly from the American river, I have no distinct recollection of its description as given by those parties.

Question 2d. Did you understand these limits as the same fixed in the title given by Governor Alvarado?

Answer. I do not know what limits were described or fixed in the grant; what I refer to is the land as surveyed by Vioget.

Question. Did you ever understand that this title had been confirmed by the supreme government of Mexico?

Answer. I do not recollect ever to have heard that it was so confirmed.

Question. Did the families mentioned by you as settlers on those lands receive any grants of land as their property from Capt. Sutter?

Answer. Some of them did—others did not. Mr. Grimes and Mr. Cordua did; Nicholas Altgise did; John Smith and Allen Montgomery did also, prior to 1846. I do not recollect any other cases. Grimes told me that he preferred having *at* title from the government than from Capt. Sutter, and that he got settlers' relinquishment, and received a grant from both Sutter and Governor Micheltorena.

(The claimant objects to the statement of the witness of Grimes's conversations.)

SAM'L J. HENSLEY.

Sworn to and subscribed by the witness, Hensley, before me this 2d of February, 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office February 2d, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Wm. E. P. Hartnell in No. 92.

SAN FRANCISCO, *February* 17*th*, 1853.

On this day, before Commissioner Hiland Hall, came Wm. E. P. Hartnell, a witness in behalf of the claimant, John A. Sutter, petition No. 92, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to questions by the counsel for the claimant, the witness testified as follows:

My name is W. E. P. Hartnell; my age is fifty-five years; and I reside in Monterey; I have lived in California upwards of thirty years.

I have known Capt. John A. Sutter ever since he came to this country. I know where New Helvetia is. Capt. Sutter settled there prior to his receiving the grant. It was at the place now called Sutter's Fort, south of the American river, and I should think between two and three miles from the Sacramento. His settlement was considered as embraced in the tract called New Helvetia. The settlement was known by the name of New Helvetia, and also by the name of Sutter's Fort. In all the papers I have seen it was called New Helvetia.

In answer to questions by the associate law agent, the witness says:

He has seen the grant to Capt. Sutter, and made translations of it, and does not recollect the boundaries. I think one of the boundaries was called Three Peaks. From what I can recollect of the grant, I always considered that the fort was part of New Helvetia.

In answer to inquiries on behalf of the claimant, the witness, on being shown a paper headed "Titulo," being part of Exhibit A filed in this case, says, that he thinks the paper is a true copy of the grant before referred to. The general wording of the grant appears to be the same.

Questions by the Associate Law Agent.

Examine the paper which you think to be a copy of the grant to Capt. Sutter, and say whether, according to its terms, you consider Sutter's fort to be embraced within the limits of the tract granted?

Question objected to by claimant's counsel.

Answer. After examining the paper it is impossible for me to decide whether, according to the tenor of the paper, the fort is included in the tract described or not.

Do you know the course of Feather river?

Answer. I do not personally know Feather river or its course.

W. E. P. HARTNELL.

Sworn and subscribed before me.

HILAND HALL,
Commissioner.

Filed in office February 17th, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Antonio Sunol in case No. 92.

SAN FRANCISCO, *January 9th*, 1853.

On this day, before Commissioner Hiland Hall, came Antonio Suñol, a witness in behalf of the claimant, John A. Sutter, peti-

tion No. 92, and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

In answer to questions by claimant's counsel, the witness testified as follows:

My name is Antonio Suñol; my age is fifty-five years; and I reside in San José, and have resided there for the past thirty-five years.

I am acquainted with John A. Sutter, and have known him ever since he landed in this country at the port of San Francisco; I think it was about the year 1837, but cannot be certain in regard to the time. As soon as landed, he embarked his effects in launches, and went up the Sacramento river and established himself in the same place where he afterwards had his fort, and where the city of Sacramento now is. The fort is, I think, about one thousand varas above the mouth of the American river; I was at the place about a year and a half after Capt. Sutter landed. He had several houses, and had fortified himself as well as he could against the Indians. There were from twenty to thirty persons living there, besides Indians—I mean persons in his employment. There were men at work, as mechanics and others, in farming. He had also Indians in his employ. He had considerable land in cultivation—more than two hundred acres. He had not cattle at that time. I was at the place again in 1840; I had sold Captain Sutter cattle, and went there for my pay. His establishment was considerably enlarged. He had tan-yards on the banks of the American river, workshops within his fort, and had enlarged his grounds under cultivation. I did not see all his cultivated land. The cultivated land on the bank of the river, which I saw, was about three miles in circumference.

The fort was made of adobes, and was from four to five hundred varas square, and he had pieces of artillery there. The number of persons there had increased; he had houses outside the fort, and had some four or five hundred persons there, including Indians. He had thirty or forty Indians, who were armed, and kept guard.

The houses out of the fort were about it and near it. He had at this time some eight hundred or a thousand head of cattle, which I had sold him.

I was there again about the end of the year 1842 or the beginning of 1843, which was the last time I was ever there until the year 1848. In 1843 there *was* more people there and more cultivated ground than in 1840. In the whole settlement there were many more people. It would be difficult to tell the number.

There were ranchos established, and the people were scattered about them. I cannot tell how far they were then under Captain Sutter. Emigrants came there and stayed a time, and then left.

The persons settled about there were some Americans, some Frenchmen, and some of the people of the country. There was a saw-mill in the mountains, some seventy miles above the fort, carried by water-power.

Between the mill and the fort there was a rancho belonging to Leidesdorff, as I understood, and there were also some cultivated grounds of Captain Sutter in different places, where the lands were most suitable for cultivation. I think the saw-mill was on the American river. These cultivated lands were from one to two miles from the fort. Captain Sutter was the owner of the mill, and it was called Sutter's mill.

There was a grist-mill near the fort belonging to him. Between the fort and the Sacramento river there were cultivated lands, and he had huts for tools used in repairing his boats. There was no house there. The houses before spoken of were around the fort, within the distance from one to two hundred varas.

In 1843 there may have been about two hundred souls in the settlement, exclusive of Indians. I cannot tell the number of Indians in his employment; when he fired a cannon they would flock in large numbers. It was costly keeping them; and when the work he wanted done was completed he would discharge them.

I know there were more than twelve families settled there in 1843, permanently established.

I spent two or three days with Captain Sutter at each time I visited his place.

I was in the Sacramento country in 1819, and also in 1820. There were no settlements there then. I went with about forty or fifty armed Indians belonging to the missions, for the purpose of reducing the wild Indians to civilization.

The wild Indians were not at open war, but were ready, when occasion offered, to do injury to the civilized portion of the inhabitants. There were always ready to plunder; and they made incursions into the settlement, and they were very troublesome; they were afterwards more troublesome. The settlement of Captain Sutter had considerable effect in protecting the civilized inhabitants of California from the depredations of the wild Indians. The Indians in the vicinity of his settlement were partially civilized by him, and were so far under his control that they would aid in defending against the wild Indians, and they consequently became less troublesome. He sometimes made expeditions with his own people and the Indians under his control against the wild Indians.

The nearest settlement to where Captain Sutter established himself was Sonoma, about fifteen or twenty leagues distant. On this side of the bay, the nearest settlement by land was San José, about twenty-five leagues distant, as I should think.

In answer to the inquiries by the associate *land* agent, the witness testified as follows:

On my first visit to Captain Sutter before mentioned, he told to me that he had about thirty leagues in extent of land, for which he had received a title from the government of California. I do not recollect whether he said he held the land as his own property or as empresario. Captain Sutter had not at that time bought the Russian property at Bodega.

There were three classes of settlers at Sutter's establishment when I first went there. There were about twenty families of Europeans and Californians, and from ten to twelve families of civilized Indians from the different missions; and there were besides a great number of transient Indian families, who came to work and then went away.

These families either lived in the fort or in the immediate vicinity. I did not learn from Captain Sutter whether he had granted any of the land to others or not. Captain Sutter never told me he had recommended to the government to grant lands to the people who were settled about him in other places. I feel confident that I am correct in my estimate of the number of families about the fort.

In answer to questions by counsel for the claimant, the witness testified as follows:

I have given the dates of occurrences according to my best recollection. I may have been mistaken in some of them; I am not confident they were entirely correct. I sold the cattle to Captain Sutter after my first visit to his place.

On the deposition being read to the witness, he says he thinks his second visit to Captain Sutter was in 1841, instead of 1840.

ANTONIO SUÑOL.

Sworn and subscribed before me.

HILAND HALL,
Commissioner.

Filed in office January 19th, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Victor Prudon in No. 92.

OFFICE OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS,
San Francisco, August 17*th*, 1853.

This day, before Commissioner Robt. Aug. Thompson, came Victor Prudon, a witness in behalf of claimant, John A. Sutter, case No. 92, and, after being duly sworn, deposed as follows:

Present, A. P. Crittenden, esq., attorney for claimant, and Volney E. Howard, esq., U. S. *land* agent.

Question by Claimant's Counsel.

What is your name, age, and place of residence?

Answer. My name is Victor Prudon; age forty-four years; residence San Francisco.

Question by same. How long have you resided in California?

Answer. Nineteen years, next September.

Question by same. Do you know the establishment of New Helvetia?

Answer. I do.

Question by same. Where is it situated, and when was it made?

Answer. It is situated on the bank of the Sacramento river, and was founded by Capt. Sutter about the year 1839.

Question by same. Do you know of any proposition having been made at any time to Capt. Sutter by the Mexican government, or any agent of said government, for the purchase of the establishment of New Helvetia? If so, state all you know about it.

Answer. In the year 1845 Captain Castillero, General Castro, and myself went to New Helvetia, to pay a visit to Captain Sutter, and Captain Castillero, who had special instructions from the Mexican government, requested me to propose to Captain Sutter one hundred thousand dollars for the establishment of New Helvetia. Captain Sutter refused, and I was requested to offer to him the Mission of San Joseph and orders on the custom-house, the amount of which I forget, which Capt. Sutter also refused. He would not accept any proposition.

Question by same. For what purpose was the visit you spoke of made to Captain Sutter?

Answer. For the purpose of making the above propositions for the purchase of New Helvetia.

Question by same. Did Captain Castillero and General Castro at that time occupy any official positions under the Mexican government? If so, what were they?

Answer. General Castro was then the general commandante of the department of California, and Captain Castillero came, as I said before, with special instructions from the government of Mexico in relation to that subject and other matters.

Question by same. In what capacity and at whose request did you accompany these gentlemen?

Answer. I was at that time lieut. colonel in the Mexican army, and went at the request of Captain Castillero as secretary to prepare the necessary papers in case Captain Sutter should have accepted the propositions for the sale of New Helvetia.

Cross-examination by U. S. Land Agent.

Question by same. From what officer of the Mexican government were the instructions of Captain Castillero of which you spoke?

Answer. From the President himself.

Question by same. Do you remember the date of the instructions?

Answer. They were dated in the year 1845.

Question by same. When were you first at New Helvetia?

Answer. It was, as near as I can recollect, in the year 1841. I went there with the Russian governor of Ross.

Question by same. Can you describe where Sutter's fort was then situated?

Answer. At about four miles from the river Sacramento, from the landing place in said river.

Question by same. What was the amount of population at New Helvetia when you first visited it in 1841?

Answer. I saw no one at that time except the employés of Captain Sutter and some wild Indians.

Question by same. What was the population in 1845?

Answer. According to my recollections it did not exceed two hundred souls. I mean white population, excluding Indians.

Question by same. How is the present town of Sacramento situated with reference to the site of New Helvetia?

Answer. It is exactly in the same place; and further this deponent saith not.

VICTOR PRUDON.

Sworn to and subscribed before me, this 17th day of August, 1853.

R. AUG. THOMPSON,
U. S. Land Commissioner.

Filed in office August 17th, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose Maria Covarrubias in No. 92.

OFFICE OF THE BOARD OF COMMISSIONERS, &c.

This day, before Commissioner Thompson Campbell, came José Maria Covarrubias, a witness in behalf of claimant, John A. Sutter, No. 92, who after having been duly sworn, deposed as follows:

What is your name, age, and place of residence?

Answer. My name is José Maria Covarrubias. I am forty-five years of age, and I reside at Santa Barbara.

Question. State if you know if the archives at Los Angeles during the year 1845, when Governor Micheltorena was there, were not partially destroyed?

Answer. When Micheltorena was at Los Angeles the archives were at Monterey, and the archives were brought from Monterey to Los Angelos, about five months after the departure of Michel-

torena from California, by order of Governor Pico. I do not know that any of the archives were destroyed at Los Angeles in 1845. The time when they were destroyed was in 1846, when Commodore Stockton arrived there. When Governor Pico was preparing to quit the country he had some papers of the archives packed and deposited in a house; the others remained in the office of the secretary of the government, which was occupied by the soldiers of the United States, as well as by those of Mexico. I know that many of these papers that were left were lost or destroyed; the soldiers were in the habit of lighting segars with them.

Associate *land* agent present.

J. M. COVARRUBIAS.

Sworn to and subscribed before me, this 13th day of October, A. D. 1853.

THOMPSON CAMPBELL,
Commissioner.

Filed in office October 13th, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. J. Vioget in No. 92.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *March 8th*, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commission in said State, John J. Vioget, a witness on behalf of the United States, in case No. 92 on the docket of said board, wherein John A. Sutter is claimant, and said witness being sworn, deposed as follows:

The claimant's counsel, Mr. Howard, is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and residence?

Answer. My name is John J. Vioget; my age 55 years; my residence San Francisco county, California.

2d question. In continuation of our cross-examination to your two depositions heretofore taken in this case, state how many maps of the Sacramento valley you made and delivered to Captain Sutter in the early part of 1841.

Answer. I made two then, and one in 1843.

3d question. When and where did you last see either of those maps made by you in 1841?

Answer. The last time I saw either of them was in 1843, when I made my map at that time. I had one of those which I made in 1841 before me, and made my map of 1843 a copy of the one of 1841, with some names added; one was the names of the rancheros which I did not know in 1841.

4th question. Can you state, from your present recollection, all the marks you made on either of these maps, or the locations of the lines of latitude you set down therein?

Answer. I remember very distinctly the southern boundary on the two leagues of land of New Helvetia, and the northern and western boundary, and indistinctly the eastern boundary; then I can remember in general the ouline of the maps, so as to know in the main whether one shown to me were a correct copy or not.

5th question. Look now at the map marked "B," filed herein in March 8th, 1852, and state whether the line marked lindero, latitude north 38° 49′ 32″, was on either of the copies made by you for Captain Sutter.

Answer. The line was marked on them and not the numbers, and I always told Sutter, or others who asked me about it, that the latitudes were incorrect.

6th question. What line of latitude did you mark as running through the fort, and what through Feather river, and what through the Buttes?

Answer. I do not remember the numbers.

7th question. Can you identify, from your recollection of the originals, any map now shown to you as a copy, with sufficient distinctness to say whether it is an accurate copy or not?

Answer. In the main features I could tell from my recollection of the originals whether any one now shown me would be a copy of them or not, but I could not say such were an accurate copy unless it had been made by myself.

8th question. Could you in any such proposed copy now identify the lines of latitude as being the same as those in your originals?

Answer. I could not, for I never had any faith in the correctness of any of those latitudes, and have not charged my memory with them.

9th question. Can you from your recollection trace the lines on a map purporting to be a copy (with the river accurately laid down as you laid it) which you marked on your map as the boundaries of the swamp lands on the margin of the river; or, in other words, if those boundaries were not marked on said copy, but only the line of the river, could you supply those lines of boundary; and if you were to see a copy with those lines of boundary of the swamp lands marked on it, could you say whether they corresponded accurately with the lines on your original?

(9th question objected to by claimant's counsel.)

Answer. I could not, from my memory, supply the lines of the Tulares or swamp lands on a map which was made without them, nor could I say, if they were laid down on a professed copy, whether they corresponded with my original, unless that copy were one which I knew I made myself. But I will further state that on my original maps these lines of Tulare swamps were dotted down from

mere estimates of a view of the eye, and without measurements, and I would not pretend to vouch for their correctness.

10th question. When, and from whom, did you first learn that the term "New Helvetia" was applied to lands in the Sacramento valley?

Answer. I think it was early in 1846. The way I first learned it, was from the letters of Capt. Sutter, who used to date them at his place by that name.

11th question. What was the extent of the lands called "New Helvetia" at that time?

Answer. I do not know, for that was before there was any grant or any survey, and no one could say what the limits would be when the grant should be made. Captain Sutter gave the name to his place before his boundaries were established.

12th question. Were those lines dotted along the margin of the river by you intended as boundaries of any particular tract of land surveyed by you?

Answer. They were the estimated lines of the Tulares, and not intended as the boundaries of any rancho or tract of land surveyed by me.

Cross-examined by Mr. Howard for Claimant.

1st question. What did you establish as the southern boundary of "Nueva Helvetia" by your survey and map thereof?

Answer. Of the two leagues embracing the fort, I made the southern boundary at the southwest corner of a lagoon, where I placed a stake at that time. That lagoon, I suppose, is three or four miles south of Sacramento city, and perhaps two miles from the Sacramento river.

2d question. Look at the map now shown you, marked "H. P. L.," and filed herewith as an exhibit to this deposition, and state who made it, when, where, and upon what data, and for what purpose, and under what circumstances it was made.

Objected to by law agent as new matter, illegal on cross-examination.

Answer. I made this map at the request of Captain Sutter in the year 1843, at Yerba Buena. I copied it from one of the original maps I made in 1841, to the best of my recollection.

3d question. Is it an accurate copy of said original in its main features?

Answer. It looks so, and I feel no doubt, in my own mind, of its being a correct copy, with the differences before stated in this deposition, respecting the dotted boundaries of the Tulare lands.

4th question. What became of the original maps you made in 1841?

Answer. I gave them to Captain Sutter.

5th question. In whose handwriting is this map just shown you, "H. P. L."?

Answer. It is in my handwriting.

Re-examined by U. S. Land Agent.

1st question. How did you know the place you surveyed was to be the place by boundaries to be called New Helvetia, and how did you know what would be the southern boundary of New Helvetia?

Answer. I was governed by Captain Sutter's instructions; I *new* nothing about it then, but what he told me.

2d question. Did Captain Sutter give name to the tracts you then surveyed?

Answer. Yes, the name of New Helvetia was applied to both tracts—the one on Feather river and the two leagues below, on the American fork, and it was so marked on the maps. The words on the map were given to me by Captain Sutter, and were about as follows:

"Map of the lands for the colonization of New Helvetia." This was in Spanish on the maps.

JOHN J. VIOGET.

Sworn to and subscribed before me on the 8th of March, A. D. 1855.

PETER LOTT, *Commissioner*.

Filed in office March 20th, 1855.

(Signed) GEO. FISHER, *Sec'y*.

[*Here follows map—see original, page* 54.]

Deposition of J. B. Alvarado in No. 92.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *March* 15*th*, 1855.

This day personally came before Peter Lott, commissioner for taking testimony to be used before the board of United States land commissioners in said State, Juan B. Alvarado, a witness in behalf of the claimant, John A. Sutter, in case No. 92 on the docket of said board, and said witness being sworn, deposed in Spanish, which was interpreted by the interpreter to said board, as follows:

The U. S. law agent is present.

Questions by Mr. Howard, for Claimant.

1st question. What is your name, age and residence?

Answer. My name is Juan B. Alvarado; my age 46 years; my residence in Contra Costa county, California.

2d question. What office did you hold in California in 1841?

Answer. I was in that year constitutional governor of California.

3d question. Did you while exercising that office execute a grant of land to Captain John A. Sutter; if you did, when, and what land did you grant to him, and how much?

Answer. I made a grant of land to Captain Sutter in 1841, while I was governor as aforesaid. The grant was for a tract of land in the Sacramento valley, which was named New Helvetia by the grantee. The quantity granted was eleven leagues.

4th question. Can you name any of the boundaries of said tract of land?

Answer. The boundaries were designated by degrees of latitude, the numbers of which I do not recollect, and the land was described as lying on the Sacramento and Feather rivers. There were other points designated on the diseño accompanying the grant, and I remember the "Tres Picos" was named as a point of boundary.

5th question. Look at the espediente filed in this case, marked "H. P. L," as an exhibit herein, and state if you know what it is, and whether you recognise it as a copy of the original in the archives?

Answer. This is a correct traced copy from the archives in the surveyor general's office of the petition of Captain Sutter, and on papers 5 and 6 in the traced copy of the form of a grant which I wrote, and which is now in my handwriting in said archives, except at the end, the words "Mon'y, 18 Junio, $4 len'a." These words were written by Jimeno, the secretary, as a memorandum. The diseño was at the same time given to the secretary, and I do not know why it is not now with the papers in the archives.

6th question. Was any paper given to Sutter as evidence of his title; if yea, what was it?

Answer. Yes, there was given to said Sutter a title, of which this just exhibited is an exact copy, except that the one given to Sutter was signed by me as governor, and by Manuel Jimeno as secretary.

7th question. Look at the map now shown to you, marked "B. P. L.," as an exhibit herein, and say whether you recognise the same?

Answer. This map seems to me to bear exact representation of the one which Sutter presented at the time of the petition and grant, except that on the map there before me, these marked on what is here represented as the "Rio de las Plumas" localities, which Sutter thought would be suitable points for the settlement of the families under him, and some also on the Sacramento river. I recognise the land of the river Sacramento as being the same as on

that original map, and the "Three Peaks" are the same as on that map, and also the piece marked here "Nueva Helvetia" is the same. I named the degrees of latitude in the grant to suit Captain Sutter, as he had them marked on his diseño. I told him that he did not know the latitude; but as he insisted on having it so, I described them accordingly.

8th question. What do you understand by "castienas sinegudas," mentioned in the 3d condition of the grant?

Answer. That phrase means swamp or tule lands, overflowed and unfit for cultivation.

Cross-examined by U. S. Law Agent.

1st question. When did you last see the map which was shown to you at the time you made this grant?

Answer. I never saw it after that occasion, when it was before me for the purpose of making said grant.

2d question. Had you ever seen it before that time, and how much did you examine it?

Answer. I do not recollect to have seen it before that time; I examined it then with a view to making the grant. I may have seen it on other occasions, but I do not remember it if I did.

3d question. Who drew the form for the title?

Answer. I did, myself.

4th question. How long before you signed the title was it that you wrote this form?

Answer. *I must have* a short time. It was all done while Capt. Sutter was there at Monterey on the business of his application.

5th question. Had you the map before you when you drew the said form for the grant?

Answer. Yes, I had it before me.

6th question. In setting down the lines of latitude in your form for a grant, did you mark them according to the numbers laid down on said diseño?

Answer. Yes, I made them the same. I copied them from the map. Unless I made some mistake in copying them, they are the same.

7th question. Was there a line of latitude marked on said map as running through the "Tres Picos?" If yea, what numbers designated it?

Answer. I do not remember whether there was such a line or not on the diseño.

8th question. Was there a line of latitude on said diseño running through or near the junction of the Sacramento and Feather rivers? If yea, how was that line numbered?

Answer. I do not remember whether there was such a line.

9th question. Answer the same question as to the mouth of the American river.

Answer. I do not remember.

10th question. On said original diseño were there lines of latitude marked with the numbers increasing towards the south?

Answer. I cannot remember; I paid but little attention to this matter of latitude, as I know nothing about its correctness.

11th question. Was there on said diseño a dotted line running on the west of, and nearly parallel with, the Sacramento river?

Answer. I do not remember whether there was or not.

12th question. Was there such a dotted line on the east side of said river or said diseño?

Answer. It may be that there was, but I do not remember it.

13th question. Was there any dotted line on either side of the American or Feather rivers on said diseño?

Answer. I was confused by the questions as to parallel lines. I do not recollect that there were dotted lines on both sides—I think of all the rivers marked on the diseño.

14th question. About what distance from the rivers were those dotted lines laid down on the diseno?

Answer. They were nearer the rivers in some places than in others. These lines were generally near the lines of the river on the diseño.

15th question. Can you state where they were nearest and where farthest from the rivers?

Answer. I cannot remember.

16th question. If a paper were shown you now purporting to be a copy of that original diseño, could you detect whether those dotted lines had been changed from the positions and directions which they had in the original?

Answer. I could not now from memory state whether they were different in a professed copy from those on the original or not.

17th question. Since you do not recollect the locations of those dotted lines, nor of the lines of latitude, how can you state that the map exhibited to you in this deposition is a correct representation of the diseño you had before you when you made the grant?

Answer. I stated it was correct because the natural objects on the diseño were noted in the form of a grant which I made, and because I remember the general outlines of it. When I made the grant I made it more with reference to the natural objects than to the lines of latitude.

I did not intend to be understood that the minute details of the map were the same as I have already stated; the lines of latitude and dotted lines might be different on this copy, and I could not detect it from my memory of the original.

18th question. Could there not have been in the copy an additional line of latitude marked which was not on the original without your detecting it?

Answer. I cannot say, for I paid so little attention to this matter of latitude.

19th question. Look again at the form of the grant drawn by you, and state what is the eastern boundary of the land within which the 11 leagues granted were to be taken?

(19th question objected to by claimant's counsel, because the record speaks for itself.)

Answer. The margins of Feather river are the eastern boundary.

Re-examined by Claimant's Counsel.

1st question. Was the establishment of Sutter at this place considered of such importance by the government as to draw your attention particularly to the grant and map?

(1st question objected to as leading.)

Answer. It was. The establishment was esteemed of public importance because it furnished protection on this northern frontier, and encouraged new settlements which the government was desirous of fostering.

2d question. Was the grant made with reference to the entire map?

(2d question objected to by law agent as leading and attempting to vary the grant itself.)

Answer. Yes, it was, in order that Sutter might take such land as suited him within the bounds of the map.

Cross-examined by the United States Law Agent.

1st question. Did you express in the title you issued to Sutter the true intent and meaning you had in making the grant, and would your recollection at this distance of time be as likely to be correct as your written intention were as there expressed in said grant?

(1st question objected to, because there is no conflict between the terms of the grant and the testimony now given of it by the witness.)

Answer. I intended then to convey the meaning expressed in the writing, and it is possible my memory might differ from that writing. My intention was to grant the land Sutter asked for; but as to these numbers of latitude, I did not understand them.

JUAN B. ALVARADO.

Subscribed and sworn to before me on this 15th day of March, A. D. 1855.

PETER LOTT,
Commissioner.

Filed in office March 20th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

[*Here follows map—see original, page* 62.]

Deposition of Samuel Kyburz in No. 92.

UNITED STATES LAND COMMISSION,
San Francisco, June 24th, 1854.

On this day, before Commissioner Alpheus Felch, came Samuel Kyburz, a witness in behalf of the claimant, John A. Sutter, case No. 92, who, after being duly sworn, deposed as follows:

Questions by Mr. Howard, Attorney for Claimant.

1st question. Please state your name, age, and place of residence.

Answer. My name is Samuel Kyburz; my age is forty-four years; and I reside at Sacramento city, in California.

2d question. Are you acquainted with the rancho called New Helvetia, claimed by John A. Sutter in this case; if yea, how long have you known it?

Answer. I have been acquainted with the rancho since October, 1846.

3d question. How many families were settled on the land in October, 1846; what were their names, and under whom did they settle?

Answer. There were twenty-one families who were settled on the rancho before 1846, or who were there when I arrived in October, 1846. There were some nineteen families who moved on between the time when I arrived and the first of January, 1847. The persons who lived on the lands when I arrived in October, 1846, were Mr. Nicholas Altegur, John Hinckley, Mr. Montgomery, Mr. McDowell, Mr. Lehigh, James Smith, John Smith, Mr. Cordua, Henry McCoon, Mr. Cadel, Mr. Nye, Mr. Kieser, Mr. Maintop, Mr. Grayson, Joseph Vero, Mr. Cigard, Mr. Gindrow, and a man whom they called Harry, and an old Spaniard, whose name I do not know. Thirteen of the above named persons owned land. All who are named above were men of families, and all had their families there with them.

4th question. How many of the settlers above named received lands of said Sutter?

Answer. Thirteen of them that I know.

5th question. State the names of any families that settled on said rancho after you came there in October, 1846.

Answer. Mr. Brauner, Mr. Sturgeonazzer, Mr. Quincy, Mr. Lenox, Mr. Hatler, Mr. Glover, Mr. Montra, Mr. Howell, Mr. Kiseberg, Mr. McKitchen, Dr. McKrackan, Mr. Weimer, Mr. Curtis, Mr. McDaniels, Mr. Gings, and myself. There was also another, who was the son-in-law of Mr. Howell, whose name*d* I do not re-

member. These all moved on after I went there, and previous to January 1st, 1845.

6th question. Do you know whether any of these received lands from said Sutter?

Answer. I do. Five of them did to my knowledge.

7th question. How much land is there not so overflowed and rendered swampy as to be unfit for cultivation within the claim of Sutter, as represented on the map in this case, between the lake or lagoon below Sacramento, the Buttes, or Two Peaks, the margins of Feather river and the Sacramento river?

Answer. I think there is not over twenty-eight square leagues of the land which is fit for cultivation.

8th question. How much land is there within the same limits which is not overflowed by the swelling or impulse of the currents of the rivers?

Answer. I do not think there is over eight or ten square leagues of it that does not overflow.

9th question. At what season of the year does it overflow, and how is it caused?

Answer. It overflows from December to the middle of April, and sometimes the first of May. It is caused by the heavy snows in the mountains and heavy rains. It overflows as often as every third year.

10th question. How much land is there within the grant as represented on the map above the regular periodical overflow of each winter?

Answer. I should think there was some twenty-eight square leagues that does not overflow every winter; think it is from twenty-five to twenty-eight leagues.

11th question. What have been your means of knowledge of the character of the country?

Answer. I have been overseer there for Captain Sutter, and my business has been out over the rancho from October, 1846, to May, 1848, and again from January, 1851, to May, 1852; I have been often over the land.

Questions by Mr. McKune, Law Agent.

1st question. Was any one of these settlers whom you have named settled within the following descriptions: Eleven square leagues of land, bounded on the north by the three summits, sometimes called the Three Buttes; on the east by the borders of Feather river; on the south by the Feather and Sacramento rivers; and on the west by river Sacramento; if yea, which of them?

Answer. There were none of them within these limits, except Mr. Harry, who lived at the place called Hock Farm, which is now Captain Sutter's residence.

2d question. Was the land in and about the city of Sacramento subject to overflow by the floods?

Answer. It was.

3d question. How was it on the immediate borders of the Sacramento and Feather rivers, above Sacramento city?

Answer. It was likewise subject to overflow in the high stage of water.

Questions by Mr. Howard.

1st question. Where were the families residing whom you found there in 1846?

Answer. They resided between the northern line of the grant as laid down on the map filed in the case, or the Butte and the southern line as there laid down, or the Laguna. Most of them also lived between the American river and the Sacramento.

2d question. What is the average width of the land which is usually cultivated along the banks of the Sacramento and Feather river?

Answer. From forty rods to ten or twelve miles.

SAMUEL KYBURG.

Subscribed and sworn to before me this twenty-fourth day of June, 1854.

ALPHEUS FELCH,
Commissioner.

Filed in office June 24th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Joseph Clough in No. 92.

UNITED STATES LAND COMMISSION,
San Francisco, July 18*th*, 1854.

On this day before the commissioners sitting as a board came Joseph Clough, a witness on behalf of the claimant, John A. Sutter, in case No. 92, who, after being duly sworn, deposed as follows:

Question by the Counsel for the Claimant.

Question 1st. State what you know in relation to the recording of the Spanish document now shown to you.

Answer. About April, 1851, I was employed by the recorder of Sacramento county to copy into his books the original grants from the Mexican government to Captain Sutter of eleven leagues of land. This paper is a copy of that original grant, with the exception of a few quite unimportant variations in the orthography of a few words.

Question 2d. Will you state whether at that time you were acquainted with the signatures of Alvarado and Jimeno, and your means of knowledge?

Answer. I was, having seen them several times attached to grants of land.

Question 3d. What was your opinion of the genuineness of these signatures attached to the document which you copied?

Answer. I had no doubt of their genuineness; the paper bore every mark of originality.

Question 4th. What became of that document?

Answer. I have every reason to believe that it was burned with Col. Zabriskie's office in the fall of 1851, in Sacramento city.

Cross-examined by U. S. Law Agent.

1st cross-interrogatory. Did you ever see Governor Alvarado or Jimeno write?

Answer. I never did.

2d cross-interrogatory. What are the marks of originality spoken of in your answer to the 3d question?

Answer. The shape and quality of the paper, the two government stamps thereon, one for the years 1839 and '40, and the provisioned one for 1841 and 1842; the different handwritings in the instrument; the peculiarity of the writing and different inks.

JOSEPH CLOUGH.

Subscribed and sworn to before the commissioners, sitting as a board, this 18th day of July, 1854.

Attest: GEO. FISHER, *Sec'y.*

Filed in office July 18th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Abner Bryan in No. 92.

UNITED STATES LAND COMMISSION,
San Francisco, July 18*th*, 1854.

On this day, before the commissioners, sitting as a board, came Abner Bryan, a witness in behalf of the claimant, John A. Sutter, case No. 92, who, after being duly sworn, deposed as follows:

Questions by U. S. Law Agent.

Question 1st. Were you at the fort of Captain Sutter on the south bank of the American river in the year 1845, when Jacob P. Leese, Gen'l Castillero, and others paid a visit to Captain Sutter? If yea, state what transpired there, and what was the object of the visit as explained at that time.

Answer. I was present, and General Castro, Mr. Leese and others came to New Helvetia; General Castro so called there, and known to us as General Castro. It was a meeting of the emigrants who came across the plains from the States to California, and the cause of the meeting was to hear what General Castro had to say to us; he got up when there were many assembled; he spoke for

a considerable length of time; I did not understand what he said, not understanding the language in which he spoke. Mr. Leese arose and said that he would explain or interpret what Mr. Castro had been saying—the object of his coming there; he had been informed we were trespassing on the rights of his people or subjects; went on further to say that General was happy to find us all quiet and peaceable; that he wished us to go to the different missions around; we should have houses to live in, and gardens to cultivate, and when we became naturalized citizens, we should have land. Shortly after that there was a notice stuck up on Capt. Sutter's door, at New Helvetia, for each and every one who was not a naturalized citizen of California and Mexico to leave the country immediately, as explained to us by Captain Sutter and others, not knowing the language in which it was written.

Question 2d. When did you first know Captain Sutter? Did he at that time have any of his family in California? When did his family, or any part of it, arrive in California?

Answer. I knew him first on the 6th of November, 1845, when I arrived at New Helvetia, and became acquainted with Capt. Sutter; he had none of his family until 1848. I don't know when they arrived.

Question 3d. State whether, from the character of your intercourse with Capt. Sutter, you would probably have known whether his family were in California prior to the year of 1848.

Answer. I think I should have known it, that they were there. I had frequent intercourse and conversation with Captain Sutter. I understood from him that his family were not in California.

(Objected by the claimant's counsel to the foregoing question and answer.)

Cross-examined by the Claimant's Counsel.

1st cross-interrogatory. When did you arrive in California?

Answer. On the sixth of November, 1845, I arrived at New Helvetia.

ABNER BRYAN.

Subscribed and sworn to before the commissioners, sitting as a board, this 18th July, 1854.

Attest: GEO. FISHER, *Sec'y.*

Deposition of J. P. Leese in No. 92.

UNITED STATES LAND COMMISSION,
San Francisco, July 18th, 1854.

On this day, before the commissioners, sitting as a board, came Jacob P. Leese, a witness in behalf of the claimant, John a Sutter, in case No. 92, who, after being duly sworn, deposed as follows:

Questions by the Counsel for the Claimant.

Question 1st. State all you know in relation to an offer of the Mexican government to purchase out New Helvetia, or Sutter's fort, when it was made.

Answer. I think some time in the latter part of the year 1845, November, I think, a gentleman by the name of Andres Castillero, a Mexican, arrived at the town of Sonoma, where I resided, in company with Gen'l José Castro, and requested of me to accompany them to New Helvetia, General Sutter's fort, as he reported to me his object was to purchase Captain Sutter's establishment on account of the Mexican government.

I proceeded with him in company with General Castro and Col. Prudon. On our arrival at the fort, Castillero, the commissioner, had an interview with Captain Sutter relative to the purchase of the establishment. He offered him sixty thousand dollars, on condition that he (Capt. Sutter) would leave California. Captain Sutter, I understood, asked him eighty thousand dollars. The next following morning I spoke to Capt. Sutter on the subject, and advised him to take sixty thousand dollars, on conditions that he would pay him down the money and remain in the country. The commissioner informed me afterwards that he did not negotiate with Captain Sutter, in consequence of his demanding the pay down.

(Objected to by the U. S. law agent as hearsay testimony.)

Question 2d. From whom did this commissioner derive his authority?

Answer. The commissioner informed me that he was sent here by the government of Mexico to purchase Captain Sutter's establishment, as that there was a jealousy on the part of the government of the position Captain Sutter had on the frontiers, as he had protected foreigners, they coming across the continent to the country.

Question 3d. Do you know of Captain Sutter's rendering services to the country, civil or military?

Answer. I do know of Captain Sutter's having civil and military command of the northern district, known as Sacramento. I think Captain Sutter received his commission in 1838 or 1839, and held that position up to the change of the flag in 1846—*eight* day of August of the same year.

Question 4th. Do you know anything of the uses and customs of the Mexican government in making compensation for services by grants of land?

(Objected to by the U. S. law agent, as no custom can vary the law.)

Answer. I know of grants being given for services in the country.

Cross-interrogatories by the U. S. Law Agent.

1st cross-interrogatory. When did you first know Captain Sutter?

Answer. I think it was in the year of 1838, may be 1837, in this place.

2d cross-interrogatory. Did you ever know of any other attempt of the government of Mexico to buy lands from private citizens in California?

Answer. I did not. This was the first instance of the kind.

3d cross-interrogatory. Had Captain Sutter his cannon mounted in his fort when you made that visit?

Answer. He had his cannon mounted.

4th cross-interrogatory. Were there any title deeds exhibited showing his right to occupy the land?

Answer. There were no titles exhibited in my presence.

5th cross-interrogatory. Were Gen'l Castillero's instructions to buy out Sutter in writing?

Answer. I did not see them.

6th cross-interrogatory. What do you know about them?

Answer. All I know about them was verbally from Mr. Castillero to myself. He told me he had them in writing, as well as a large sum of money in blank checks, with the President's signature to them.

Direct Examination resumed by the Counsel of the Claimants.

Question 1st. When was this offer of the Mexican government first known in California?

Answer. It was known to me on the arrival of Mr. Castillero at Sonoma; I think, in the latter end of 1845.

Question 2d. Do you know anything in relation to the opposition made by the United States consul then in California at that time?

Answer. I do not know.

Cross-interrogatory resumed.

1st cross-interrogatory. When was the object of Mr. Castillero in getting rid of Captain Sutter first publicly known?

Answer. It was on his (Castillero) return from Sacramento, as he had not effected the negotiation with Captain Sutter.

The following objections were made by the United States law agent to the above deposition:

1st. Because it contains hearsay testimony.

2d. Because the testimony is wholly irrelevant.

3d. It is not the best testimony, as other and better appears in the deposition and not produced.

J. P. LEESE.

Subscribed and sworn to before the commissioners, sitting as a board, this eighteenth day of July, A. D. 1854.

Attest: GEO. FISHER, *Sec'y.*

Filed in office July 18th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of H. L. Ford in No. 92.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *March 12th*, 1855.

This day personally came before Peter Lott, commissioner for taking testimony to be used before the board of United States land commissioners, in said State, Henry L. Ford, a witness on behalf of the claimant, John A. Sutter, in case No. 92 on the docket of said board, and said witness being sworn, deposed as follows:

The United States law agent is present.

Questions by Mr. Howard for Claimant.

1st question. What is your name, age, and residence?

Answer. My name is Henry L. Ford; my age 31 years; my residence in Colusi county, California.

2d question. Were you in Santa Barbara, California, in the winter of 1844 and 1845; if yea, in what capacity?

Answer. I was there the latter part of January and early part of February, in 1845, in the capacity of a soldier, under Captain Sutter.

3d question. Do you know anything of a grant of land being made at that time to Capt. Sutter; if yea, by whom was it made, where was the land situated? and state all you know about it.

Answer. Shortly before we left Santa Barbara—say from the 6th to the 10th of February, 1845—General Micheltorena made a speech, in which he said that he had granted to Captain Sutter all the land he had claimed or asked for, (I do not remember his exact words,) in the Sacramento valley; and also that he had made grants of all the lands in the Sacramento valley for which he had previously issued decrees of permission to settle. This speech was made to the foreign volunteers, composed of Americans, English, Irish, and others.

In April, 1845, after I had returned to New Helvetia I asked Captain Sutter to let me see this general grant of Micheltorena for the lands in the valley, and he showed it to me, and also showed me a grant of a sobrante to himself and son. These grants were signed by Micheltorena.

4th question. Were you at that time acquainted with the handwriting of Micheltorena? If yea, state your means of knowledge.

Answer. I never saw him write; I saw several orders during that campaign which he had signed, and I have a passport which

was signed by him at Monterey, in 1844. I cannot say I know his handwriting; I can only say the signature of his name to these grants resembled those which I had seen to the orders and passport before mentioned.

5th question. From your knowledge of his signatures do you believe his signatures to said grant of Sutter, which Sutter showed to you, were genuine?

(5th question objected to as leading.)

Answer. I should believe them to be genuine.

6th question. Look at the paper now shown you marked "A. P. L." as an exhibit to this deposition, and state whether you recognise it as a copy of any paper you have before seen; and if yea, of what paper.

(6th question objected to as leading.)

Answer. To the best of my recollection, this is a very good copy of the grant shown me by Captain Sutter in 1845.

7th question. Have you ever seen the map accompanying the title of Sutter? If yea, when.

Answer. I saw a map which was said to have been drawn by Captain Vioget; it was shown to me at the same time the papers were shown to me by Captain Sutter, in 1845.

It was a map of the lands of New Helvetia. I think this was written on the map, if I recollect right.

8th question. Look at the map now shown you marked B. P. L. as an exhibit to this deposition, and say if you recognise it as a copy of any other map you have seen? If yea, of what one.

Answer. To the best of my recollection it is a very good copy of the map shown to me by Captain Sutter in 1845.

9th question. How long have you been acquainted with New Helvetia?

Answer. Ever since 1844.

10th question. Did Capt. Sutter cultivate any land in 1845; if yea, where was it situated?

Answer. He cultivated some land south and west of the fort; the fort was situated on the south side of the American fork, about a mile or a mile and a half from its junction with the Sacramento river. He also cultivated some at the Hock farm that year.

11th question. State whether he, that year, occupied any other land, and in what way.

Answer. He occupied the lands lying immediately north of the mouth of Feather river, on the Sacramento. He had 2,000 head of cattle and some corrals there. He had a sheep farm in 1844 on the southwest side of the Buttes, and he had several bands of mares on the east side of Feather river.

In 1845 he removed his sheep on to the American river, about a mile and a half east of the fort, in the same side of the American. I saw no occupation on the east side of the Sacramento between the mouths of the American and Feather rivers.

Cross-examined by U. S. Law Agent.

1st question. Did you in the winter of 1844 and 1845 understand the Spanish language; if yea, how long had you known it, and where did you learn it?

Answer. I did not understand it perfectly; what I knew of it I learned at Monterey and at San José; the most I learned of it learned from Mr. Hartnell, in Monterey.

I arrived in the country in September of 1842, and commenced to pick up the language from the natives. I knew enough of the Spanish in the winter of 1844–'5 to transact business; to buy and sell, and trade in stock with the natives, without an interpreter. I could read Spanish at that time, in 1845; there were some words which I did not understand. I never had written any Spanish up to that time that I recollect of.

2d question. How long was Micheltorena addressing you at the time you have mentioned, and in what language did he speak?

Answer. He might have been a half hour or three quarters engaged in speaking, but I cannot say precisely what the length of his speech was; he spoke it in the Spanish language.

3d question. In what connection did he say he had granted to Captain Sutter all the land he had asked for; on what subject was he then speaking?

Answer. He was addressing the volunteers, to encourage them to continue in the service. There was some trouble in camp and the soldiers talked of turning back, and he was telling them what he had done and what he was willing to do to compensate them for their services, and it was in this connection he spoke of what he had done for Capt. Sutter.

4th question. Is it not possible and likely that you may be mistaken as to the language of Micheltorena in that speech?

Answer. The address was translated at the time publicly by Captain Sutter into English, and I do not think it is at all likely that I was mistaken, because Captain Sutter's interpretation was the same as I understood the language of Micheltorena at the time to mean, and was substantially as I have stated.

5th question. How long after that speech before you were shown the papers by Capt. Sutter?

Answer. It was nearly two months; I cannot say exactly the time.

6th question. Where were you and in what house, and who were present, when you saw said papers?

Answer. I was in the adobe house, in Sutter's room, in the southeast corner of the house at the fort. There was a man by the name of John Williams present; he is dead; and I think his brother James was present, but I am not certain; he is living. I recollect no others.

7th question. From what place did Captain Sutter produce said papers?

Answer. He took them from a bundle of papers he had, either from a desk or trunk, in the same room. I am not positive whether he took the bundle from the trunk or the desk.

8th question. How many other papers did he show you at the same time?

Answer. He showed me none, excepting the general title, which was issued to some 12 or 15 settlers who had petitioned for lands in the valley, and his own title.

9th question. How long was you examining them?

Answer. We were perhaps a half hour or three-quarters looking at the papers and talking about them. We may have been an hour and a half in the room altogether.

10th question. Which did you notice first?

Answer. The general title was the first I noticed.

11th question. Did you ever see either of those papers afterwards?

Answer. No; I never saw either of those papers. I have seen copies of them.

12th question. How does it happen that you can at this distance of time swear to the paper shown to you as a copy?

Answer. I think I stated in my answer that *I* resembled certain portions of the paper which I recollected; I do not pretend to swear that is a true copy.

13th question. What were the boundaries of the grant shown you at that time, and what were its conditions and date?

Answer. I do not recollect any except the northern boundary, that was called for in the grant as the "Three Buttes." The conditions of the grant, as near as I can recollect, were, that he could enclose it, so as not to obstruct the roads. He was to apply to the proper authorities to be put in possession of it, and some other conditions which I do not now recollect. The date was of the year 1845, but I do not now recollect whether it was January or February, though it was one or the other of those months.

14th question. How then can you know this to be a copy?

Answer. I have already answered as to my recollection upon that subject, that this resembles the portions of the original in those particulars which I remember.

15th question. How many lines of latitude and longitude were marked on the map shown to you by Captain Sutter?

Answer. I do not recollect.

16th question. What figures were thereon marked to indicate the latitude; can you state any one of the numbers?

Answer. As near as I can recollect, there was on the northern line *were* the figures 38; I do not recollect. I am not sure I am

correct about that; there may have been other figures, but I do not recollect them.

17th question. Did not John Bidwell keep Capt. Sutter's papers in 1845?

Answer. He kept his books; I do not think he kept his private papers; I do not know that he did; I know he was his bookkeeper. Sutter's private papers at the time I have mentioned were in his own possession.

18th question. Did you read each of the papers named, and is it upon your recollection only, after a lapse of ten years, you speak of the contents of a paper written in a language you imperfectly understood?

Answer. I read each one of them. I read Spanish well enough at that time to understand the papers, and Capt. Sutter also read to us portions of that Sobrante grant, and his interpretation of it was the same as I understood it from reading it myself. My recollection of the papers is from what I learned from them at that time.

HENRY L. FORD.

Subscribed and sworn to before me on this 13th day of March, A. D. 1855.

PETER LOTT, *Commissioner.*

Filed in office March 30th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Exhibit "A," annexed to Deposition of John Bidwell, P. L.

1844.

Espediente.

Promovido por el cuidadano naturalizado Dn. Eliab Grimes, en solicitud del parage conocido con el nombre de "Rio del Sacramento y de los Americanos."—No. 403.

Sello Cuarto—Dos Reales.

Habilitado provisionalm'te por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

MICHELTORENA.

[SELLO.]

EX'MO SENOR: Eliab Grimes, Mejicano por naturalizacion ante V. E. con el mayor respeto comparesco y digo: que teniendo como dos mil cabezas de ganado vacuno y una cantidad considerable de caballeria y deseando acabar mis dios en este departamento suplico á V. E. tenga la bondad de concederme un terreno de diez leguas

cuadradas que se halla valdio en las inmidiaciones del Rio del Sacramento y de el de los Americanos comenzare do la midicion en la orilla del norte del ultimo rio a la distancia de una legua al oriente del Sacramento, rumbo E. ¼ al S. tres leguas de alli rumbo al N. tres leguas y media de este punto rumbo al O. tres leguas y de este ultimo parage rumbo al S. hasta dar con el primer punto nombrado tres leguas; segun se esplica en el diseño que acompaño.

Por tanto a V. E. ruego se sirva decretar como llevo pedido, protestando no proceder de malicia y lo necesario.

Monterey, 16 de Diciembre, de 1844.

ELIAB GRIMES.

MONTEREY, *D'bre* 16, *de* 1844.

Inf'e el S. S'ri del despacho tomando otras si los cree necesitar.

MICHELT'A.

EX'MO S'OR: El terreno que solicita el interesado esta valdio segun consta por el plan general de las inmediaciones del Sacramento hecho por el escribiente del S'or Sutter y el pretendiente hace tiempo que lo esta ocupando con una cantidad considerable de ganado, por un convenio que hizo con d'ho S'or Sutter, y ademas es muy nombre de bien de bastantes proporciones para formentar el parage que solicita y Mejicano por naturalizacion por tanto si V. E. no tuviese algun inconviniente me parece que es acreedor al titulo que pretende.

Monterey, 18 de Diciembre, de 1844.

MAN'L JIMENO.

MONTEREY, *D'bre* 18, *de* 1844.

Conf'e espidase el titulo.

MICHELT'A.

[*Here follows map—see original, page* 85.]

El C. Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante G'ral de la Plana Mayor del mismo, Gobernador, Comandante G'ral é Ynspector del Departam'to de Californias.

Por cuanto D. Eliab Grimes, Mejicano por naturalizacion ha pretendido para su beneficio personal, el parage que forma parte del terreno conocido con el nombre del rancho del Paso, situado en la Orilla del Norte del Rio de los Americanos, debiendo empesar su medicion en la Orilla del Norte de d'ho Rio de los Americanos, á distancia de una legua al Oriente de su Embocadura en el Rio del Sacramento, siguiendo el curso del Rio de los Ameri-

canos rumbo E. ¼ al S. la distancia de tres leguas, luego de alli rumbo al N. tres leguas y media, de este punto rumbo al O. tres leguas, y de este ultimo puntos rumbo al S. hasta dar con el primer punto nombrado, tres leguas, segun se esplica en el diseño que se acompaña el espediente: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades qe me son conferidas, a nombre de la nacion Mejicana, he venido en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras, sujetandose á la aprobacion de la ex'ma asamblea departamental y bajo las condiciones siguientes:

1a. No podra venderlo, enagenarlo, ni hipotecarlo, imponer senso vinculo fianza ni otro gravamen alguno.

2a. Podra cercarlo sin perjudicar las travecias caminos y servidumbres: lo disfrutara libre y esclusivamente destinandolo al uso o cultivo que mas le acomode; pero dentro de un año se ocupara la casa que haya alli construida.

3a. Cuando se le conforme la propiedad solicitara del juez respectivo que le de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos, en cuyos limites pondra á mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

4a. El terreno de que se hace donacion es de diez sitios de ganado mayor poco mas o menos, segun esplica el diciño respectivo. El jues que diere la posecion lo hara medir conforme a ordenanza, quedando el sobrante que resulte a la nacion, para los usos convinientes.

5a. Si contraviniere a estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consequencia mando que sirviendose de titulo el presente y teniendose por firme y valedero se tome razon de el en el libro que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a veinte de Diciembre de mil ochocientos cuarenta y cuatro.

MAN'L MICHELTORENA.

MAN'L JIMENO, *S'rio.*

Queda tomada razon de este despacho en el libro respectivo á fojas 13.

JIMENO.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, now having in my office, and in my charge and custody, a portion of the archives of the former

Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to seven inclusive, exhibit a true and accurate copy of a certain document now on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San [SEAL.] Francisco, this seventeenth day of December, A. D. 1853.

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office May 10th, 1854.

GEO. FISHER, *Sec'y.*

Translation of Exhibit A, annexed to Deposition of John Bidwell, "P. L."

1844.

Expediente instituted by the naturalized citizen Eliab Grimes, in solicitation of the place known by the name of "Rio del Sacramento y de los Americanos."

No. 403.

Seal Fourth—Two Reals.

Provisionally authorized by the maritime custom-house at the port of Monterey, in the department of the Californias, for the years 1844 and 1845.

(Signed) PABLO DE LA GUERRA.
(Signed) MICHELTORENA.

[SEAL.]

MOST EXCELLENT SIR: I, Eliab Grimes, a Mexican by naturalization, with the greatest respect appear before your excellency and state:

That I have about two thousand head of cattle and a large number of horses, and desiring to spend my days in this department, I pray your excellency have the kindness to grant me a tract of land of ten square leagues, which is vacant between the Sacramento and American rivers, commencing the measurement on the northern bank of the latter river at the distance of one league east of the Sacramento, course E. ¼ S. three leagues; thence course N. three leagues and a half; thence course W. three leagues; and from thence course S. three leagues to the point of beginning, as shown by the accompanying diseño.

Therefore I pray your excellency be pleased to grant my petition, protesting not to proceed from malice, and whatever may be necessary.

Monterey, December 16th, 1844.

(Signed) ELIAB GRIMES.

MONTEREY, *Dec.* 16, 1844.

The secretary of state will report, taking others if he think them necessary.

(Signed) MICHELT'A.

MOST EXCELLENT SIR: The land which the interested party solicits is vacant, according to the general plat of the lands adjacent to the Sacramento river, made by the clerk of Señor Sutter and the petitioner; he has occupied it for some time with a large number of cattle, under an agreement with said Señor Sutter, and he is, moreover, a very honorable man, with sufficient means to improve the place which he solicits, and a Mexican by naturalization; wherefore, if your excellency have no objection, I consider him entitled to the title which he solicits.

Monterey, December 18th, 1844.

(Signed) MANUEL JIMENO.

MONTEREY, *December* 18*th*, 1844.

Granted. Let the title be issued.

(Signed) MICHELTORENA.

Citizen Manuel Micheltorena, General of Brigade in the Mexican Army, Adjutant General of the Staff thereof, Governor, Commanding General and Inspector of the Department of the Californias.

Whereas Don Eliab Grimes, a Mexican by naturalization, has solicited for his ownership the place which forms a part of the tract of land known by the name of "Rancho del Paso," situated on the northern bank of the American river, the measurement to commence on the northern bank of said American river at the distance of one league towards the east, from its junction with the Sacramento river, following the course of the American river, course E. $\frac{1}{4}$ S., the distance of three leagues; thence course N. three leagues and a half; thence course W. three leagues, and from thence course S. three leagues to the point of beginning, as shown on the diseño attached to the espediente; the proceedings and investigations relative thereto having been had and made as provided by laws and regulations, in virtue of the powers vested in me, in the name of the Mexican nation, I have concluded to grant him the said tract of land, by these presents declaring unto him the ownership thereof, subject to the approval of the most excellent departmental assembly, and under the following conditions:

1st. He shall not sell, alienate or hypothecate it, nor impose thereupon rent, entail, bond, or any other incumbrance whatever.

2d. He may enclose it without prejudice to the crossings, roads and servitudes; he shall enjoy it freely and exclusively, appropriating it to the use or cultivation most suitable to him, but the house which is thereon erected shall be inhabited within a year.

3d. When the ownership thereof is confirmed to him, he shall request the proper judge to give him judicial possession of it by virtue of this patent, whereby the boundaries shall be marked out, in the limits of which he shall plant, besides the land-marks, some fruit trees, or wild ones of some utility.

4th. The tract of land of which donation is made is ten square leagues, a little more or less, as shown by the respective diseño. The judge who shall give the possession will cause it to be measured according to ordinance, the overplus to remain to the nation for proper uses.

5th. If he contravene these conditions, he shall forfeit his right to the land, and it shall be denounceable by another.

Therefore, the present serving him as a title, and being held as firm and valid, I order it to be entered in the proper book and delivered to the interested party for his security, and other purposes.

Given in Monterey on the 20th of December, 1844.

(Signed) MAN'L MICHELTORENA.
(Signed) MANUEL JIMENO.

A true and correct translation.

GEO. FISHER, *Sec'y.*

Filed in office, May 10th, 1854.

GEO. FISHER, *Sec'y.*

W.—*Annexed to Depo. of Joseph Clough, taken before the Board July* 18, 1854.

Mexican Government to J. A. Sutter—Grant.

Sello Primero—Seis Pesos.

Habilitado provisionalmt'e por la aduana maritima de Monterey para los años de 1839 y 1840.

ANTONIO MA. OSIO.

ALVARADO.

Volga para los años 1841 y 1842.

ALVARADO. ANTONIO MA. OSIO.

[SELLO.]

Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

Por cuanto Dn. Augusto Sutter natural de la republica Suiza y naturalizado en la nacion Mejicana ha pretendido para su beneficio personal y el de doce familias conforme a la ley de 18 de Agosto de 1824 y el reglamento de 21 de Noviembre de 1828, once leguas de tierras a las margenes del Rio del Sacramento en los terrenos valdios de la frontera del norte para colonizarlos y formentarlos en los terminos referidos en las disposiciones mencionados para cuyo fin ha acreditado suficientemente su laboriosidad, buena conducta y demas

cualidades que son requeridas en estos casos teniendo ya anticipados sus cresidas esfuerzas su constante empeño y celo linderamente patriotica en favor de nuestras instituciones, reduciendo á la civilidad una porcion de Indios salvages naturales de aquellas fronteras é informado suficientemente este gobierno de que los terrenos mencionados no pertenecen á la propiedad particular de ningun individuo pueblo ó corporacion y se hallan por consig'te en las clasificadas en las leyes y conforme a las facultades que me son conferidas en nombre de la nacion Mejicana he venido en concederle al mencionado Sr. Dn. Augusto Sutter por las presentes letras para si y sus colonizadores el terreno referido con el nombre de la Nueva Elvisia sujetandose a la aprovacion ó reprovacion del supremo gobierno y de la ex'ma junta departamental bajo las condiciones siguientes:

1a. Podra sercarlo sin perjudicar las travesias, caminos y servidumbres, principalmente el trafico y nabegacion de los rios.

2a. Mantendra a los naturales indigenas de las diferentes tribus de aquellos puntos en el goce y libertad de sus funciones sin molestarlos y solo podra reducirlos a la civilizacion por los medios de su prudencia y de la relaciones a mistosas sin hostilizarlos en manera alguna antes de no obtener las facultades del gobierno.

3a. El terreno de que se hace donacion es de once sitios de ganado mayor comprendidos en la estencion que demarca el diseño que corre agregado al espediente sui incluir las tierras anegardas por el impulso y las corrientes de los Rios siendo sus linderos por la parte del norte los tres picos y la latitude 39 41 45 norte; al este las margenes del Rio de las Plumas, al sur latitude 38 49 32 norte; al oeste el Rio del Sacramento.

4a. Cuando se le confirme esta propriedad solicitara del juez respectivo la posesion del terreno para que sea medido conforme a ordenanza quedando el sobrante que resulte a beneficio de la nacion para los usos que le convengan.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro a que corresponde y se entreque para su resguardo y demas fines. Dado en Monterey a diez y ocho de Junio de mil ochocientos cuarenta y uno de mil ochocientos cuarenta y uno.

JUAN B. ALVARADO.

MAN'L JIMENO, *S'rio.*

[SELLO.]

Queda tomada rason de este despacho en el libro de acientos sobre adjudicaciones de terrenos valdios a $4 2.

JIMENO.

Recorded February 6th, 1851, 3½ o'clock p. m.

L. A. BIRDSALL, *Recorder.*

STATE OF CALIFORNIA,
County of Sacramento.

I, John L. Craig, recorder in and for said county, do hereby certify the foregoing to be a full, true and correct copy of an instrument of writing from Juan B. Alvarado to Augusto Sutter, as recorded in books F of deeds, pages 320, 321 and 322 of the records of Sacramento county at present in my office.

In testimony whereof I have hereunto set my hand and affixed [SEAL.] my official seal this 13th day of June, A. D. 1854.

JNO. L. CRAIG, *Co. Recorder.*
Pr. JEROME MALDEN, *Dep. R.*

Filed in office July 18th, 1854.

GEO. FISHER, *Sec'y.*

Translation of W, annexed to the deposition of Jos. Clough, taken before the Board July 18, 1854.

Stamp 1st—Six Dollars.

Provisionally authorized by the maritime custom-house of Monterey for the years 1839 and 1840.

ALVARADO. ANTONIO MA. OSIO.

Valid for the years 1841 and 1842.

ALVARADO. ANTONIO MA. OSIO.

[SEAL.]

Juna B. Alvarado, Constitutional Governor of the Department of the Californias.

Whereas Dn. Augusto Sutter, a native of the Swiss republic, and naturalized in the Mexican nation, has solicited according to the law of 18th of August, 1824, and the ordinance of the 21st of November, 1828, for his personal benefit, and that of twelve families, eleven leagues of land on the borders of the river Sacramento, in the vacant lands of the northern frontier, in order to colonize and foster them as required in said regulations, for which end he has sufficiently proved his assiduity, good behavior, and all other qualities required in these cases, having already anticipated his great efforts, his constant firmness, and his truly patriotic zeal in favor of our institutions, having reduced to submission a number of savage Indians born in these frontiers, and the government being sufficiently informed that the mentioned land does not belong to the property of any private individual, town or corporation, and that in consequence thereof it is specified in the aforesaid laws, and in conformity with the powers conferred on me, in the name of the Mexican nation, I have granted to the said Señor Don Augusto Sutter by these presents, for him and his settlers, the said land called La Nueva Helvecia (New Helvetia,) subject to the approval or disapproval of the supreme government, and of the

most excellent departmental assembly under the following conditions:

1st. He may fence it without injury to the crossings, roads and servitudes, and, above all, to the trade and navigation of the rivers.

2d. He shall maintain the native Indians of the different tribes on those places in the free enjoyment of their possessions without troubling them, and he may only reduce them to colonization through prudent measures and friendly intercourse; he shall not cause them hostilities of any kind without previously obtaining authority government.

3d. The land of which donation is made to him is of the extent of eleven sitios de ganado mayor, (eleven square leagues,) as in the sketch annexed to the espediente, without including the lands overflowed by the swelling and current of the rivers; it is bounded on the north by (los Tres Picos) the Three Summits, and the 39° 41′ 45″ north latitude; on the east by the borders of the (Rio de las Plumas) Feather river; on the south by the parallel of 38° 49′ 32″ of north latitude; and on the west by the river Sacramento.

4th. When this property be confirmed unto him, he shall petition the proper judge to give him the possession of the land, in order that it may be measured agreeably to ordinance, the surplus thereof remaining for the benefit of the nation for convenient purposes.

Therefore, I order that this title, being held as firm and valid, the same be entered in the proper book, and that it be delivered to the party interested for his security and other purposes.

Given in Monterey on the eighteenth day of June, eighteen hundred and forty-one.

JUAN B. ALVARADO.

MANUEL JIMENO, *Sec'y.*

Note has been made of this despatch in the book of notes on adjudications of vacant lands, on page 42.

JIMENO.

I hereby certify the foregoing to be a true translation of document W, annexed to the deposition of Joseph Clough taken before the board.

July 18th, 1854.

Filed July 18th, 1854.

In witness whereof I have hereunto signed my name at office.

GEO. FISHER, *Sec'y.*

Filed in office July 18th, 1854.

GEO. FISHER.

Copy of Grant C.

Manuel Micheltorena, General de Brigada, del Ejercito Mejicano, Ayundante General de la Plana Mayor del mismo, Gobernador, Comand'te General é Ynspector del Depart'o de las Californias.

Por cuanto Don Juan Agusto Sutter y su hijo Juan A. Sutter,

Mejicano por naturalizacion, han pretendido para su beneficio personal y su familia, el solicitante del terreno de la rancho, nombrado Nueva Elvecia, segun esplica el diseño que corre en el espediente practicadas previamente las diligencias y averiguaciones conserni-entes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferridas a nombre de la nacion Mejicana y por los meritos y servicias que ha prestado y esta prestanto actualm'te el Sr. Sutter he venido en concederles el terreno mencionado declarandoles la propriedad por las presentes letras sujetandose a la aprovacion de la excelenty'ma asamblea departam'l y bajo las condiciones siguientes:

1a. Podran cercarlo sin perjudicar las travesias, caminos y servidumbres lo disfrutara libre y esclusivamente destinandolo para el uso ó cultivo qe. les convenga.

2a. Solicitaran del juez respectivo que les de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

3a. El terreno de que se hace menciones de veinte y dos leguas de ganado mayor segun esplica el diseño que corre en el espediente.

4a. El juez que diere la posecion lo hara medir conforme a ordenanza quedando el sobrante que resulta a la nacion para los usos convenientes.

5a. En consecuencia mando que serviendoles de titulo el presente y teniendose por firme y valedero lo presentaran para que se tome razon en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en este papel corr'te por falta del sellado correspond'te.

Santa Barbara, el cinco de Febrero de mil ochocientos cuarenta y cinco.

(Firmado) MANUEL MICHELTORENA, *S'rio.*

JUAN CASTANADA, *S'rio Into.*

Filed in office March 1st, 1853.

GEO. FISHER, *Sec'y.*

"C."—Translation of Grant.

Translation.

Manuel Micheltorena, Brigadier General of the Mexican Army, Adjutant General of the Staff, Governor General in Chief, and Inspector of the Department of the Californias.

Whereas Don Juan Augustus Sutter, a Mexican naturalized citizen, and his son, John A. Sutter, have solicited for their personal benefit of themselves and family, the surplus of land within his rancho named New Helvetia, as laid down in the map which accompanies the grant, and the usual investigation and inquiry in relation thereto required by law and regulations having been complied with, by virtue of the authority conferred upon me, in the

name of the Mexican nation, and for the good conduct and services which the Señor Sutter has rendered, and is rendering at the time, I have conceded to them the mentioned lands, declaring in them the ownership thereof by these presents, subject to the approbation of the most exc't the assembly departmental, under the following conditions:

1st. They may enclose it without interfering with the paths, roads and servitudes.

They shall enjoy it freely and exclusively, appropriating it to the uses or cultivation which suits their convenience.

2d. They can request the proper juez, that he give them lawful possession by virtue of this decree, so that the boundaries may be defined, at the limits of which there may be placed, besides the landmarks, some fruit trees or useful kind of forest trees.

3d. The land of which mention is made consists of twenty-two square leagues, described upon the map which accompanies the grant.

4th. The juez who gives the possession shall have the land surveyed according to law, remaining the surplus that may result at the disposal of the nation.

5th. Therefore I command that these presents, investing the title in them, and holding the same as firm and valid, shall be handed in for record in the proper book, and shall be delivered to the parties interested for their security and other purposes.

Executed on this ordinary paper, having no stamped paper appropriate.

Santa Barbara, this fifth February, eighteen hundred and forty-five.

(Signed) MANUEL MICHELTORENA.

(Signed) JUAN CASTAÑEDA,
Secretary ad interim.

Filed in office, March 1st, 1853.

(Signed) GEO. FISHER, *Sec'y.*

[1 S. D. K.]

Exhibit "O."—Esped'te of Wm. A. Liedesdorff.

Sello Cuarto—Dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departamento de las Californias, para las años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

Por aus'a del admor. GUILLO. EDO. HARTNELL.

MICHELTORENA.

[SELLO.]

Ex'mo S'or Gobernador: Co. Guillermo A. Leidesdorff, natural de Denamarca, y naturalizado in la Republica Mejicana, ante V. E. con toda sumision y respecto se presente y dice: que hallandose poseedor de un gran numero de ganado mayor y deseoso à tener un sitio en propriedad para formentarlo, he encontrado uno valdio colindante à los terrenos de Señor Sutter, segun esplica el adjunto diseño que debidamente acompaña, dicho sitio es en el Orillo del Rio de los Americanos y consiste de cuatro leguas de largo por el este y dos leguas de ancho por el sur. Por tanto A. V. E. suplica rendidamente que me concede dicho terreno por lo cual recibire merced y gracia, jurando no ser de malicia y lo necesario.

Monterey, 29 de Agosto de 1844.

GUILLERMO A. LEIDESDORFF.

Monterey, *Agosto* 29, de 1844.

Inf'e el S. s'rio del despacho previam'te los necesarios.

MICHELT'A.

[2 S. D. K.]

Como dispone el Ex'mo S'or Gobernador sirvase, informar el S'or Sutter, sobre el contenido de la presedente instancia.

Monterey, f'ha la misma.

MAN'L JIMENO.

[3 S. D. K.]

Ex'mo Señor Gobernador: El terreno que se solicita esta valdio como se acredita por el adjunto certificado y tambien demarcado segun aparece en el diseño y en una situacion tan contigua al parage del Señor Sutter, que entiendo no haber algun inconbiniente pa que V. E. pueda consederle al interesado el terreno pretendido si no tubiere V. E. otra cosa qe. disponer.

Monterey, O'bre 12, de 1844.

MAN'L JIMENO.

F'ha id'm.

Concedido.

MICHELT'A.

Monterey, 8 *de Octubre, de* 1844.

Vista la peticion conqueda principio este espediente los informes que preceden con todo lo demas que se tubo presentes y dever convino de conformidad con las leyes y reglamentos de la materia, declaro à D'n Guillermo A. Leidesdorff por las presentes dueño en propriedad del terreno que se halla situado à los margenes del rio nombrado de los Americanos, colindante con el terreno conocido à la colonia del Sor. Sutter, y con las Lomerias del Oriente en estencion de ocho sitios de ganado mayor. Librese el correspondiente despacho tomese razon en el libro respectivo y dirijase este espediente à la ex'ma asamblea departamental pa. su aprovacion.

[4 S. D. K.]

El E. S. D'n Manuel Micheltorena, General de Brigada del Ejercito Mejicano Ayudante G'ral, de la Plana Mayor del miso, Gobernador, Comand'te G'ral, é Inspector del Departmento de las Californias asi lo mando, decreto y firmo de que doy feé.

[5 S. D. K.]

Jurisdiccion del Rio del Sacramento.

El terreno que solicito en este pedimiento Don Guillermo A. Leidesdorff situado en el Rio de los Americanos por presente esta desocupado y el que esta representado en esa mapa y doy este certificacion para los fines que convengan.

Nueva Helvetia, Agosto 4, de 1844.

J. A. SUTTER.

[6 S. D. K.]

Sello Primero—Ocho Pesos.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA,

Por aus'a del adm'or GUILLERMO EDO. HARTNELL.

MICHELTORENA.

[7 S. D. K.]

El Ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante G'ral del mismo, Gobernador Comandante G'ral, é Inspector del Departmento de las Californias.

Por cuanto D. Guillermo A. Leidesdorff, Mejicano por naturalizacion, ha pretendido para su veneficio personal seis sitios de ganado mayor en la Rivera del Rio que llaman de los Americanos, colindante con el terreno concedido à la colonia del S'r Sutter, y con las lomerias del oriente practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas à nombre de la nacion Mejicana, he venido en conceder el terreno mencionado sujetandose a la aprobacion de la ex'ma asamblea departamental y à las condiciones siguientes:

1a. No podra venderlo, enagenarlo ni hipotecar lo; imponer senso, vinculo ni otro grabamen y ni podra donarlo.

2a. No impidira el cultivo a otros aprovechamientos que por d'ho terreno adquerian las indigenas de ese rumbo.

3a. Podra cercarlo sin prejudicar las travesias, caminos y servidumbres; lo disfrutara libremente destinandolo al cultivo que mas le acomode; pero dentro de un año fabricara casa y estara habitada.

4a. El terreno de que se hace donacion es de la estencion de que ya se ha hecho mencion. El juez que diere la posecion lo hara medir conforme a ordenanza que dando el sobrante que resulte a la nacion para los usos convenientes.

5a. Si contraveniere a estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a ocho de Octubre de mil ochocientos, cuarenta y cuatro.

MAN'L MICHELT'A.

MAN'L JIMENO,
S'rio del Despacho.

[8 S. D. K.]

Queda tomada razon de este despacho en el libro respectivo a fojas 11.

JIMENO.

[*Here follows map.*]

[9 S. D. K.]

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and, as such, now having in my office and under my custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California *of the former Spanish and Mexican territory or department of Upper California*, do hereby certify, that the nine preceding and hereunto annexed pages of tracing paper, numbered from one to nine inclusive, exhibit a true and accurate copy of a portion of an expediente entitled "Expediente promovido por Don Guillermo Leidesdorff en pretencion del terreno conocido con el nombre del rio de los Americanos," now on file in this office. I further certify, that other alterations and erasing appear to have been made in the expediente similar to that in the sixth line of page six of the portion herein furnished.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office,) [SEAL.] at the city of San Francisco, California, the 29th day of January, 1853.

SAM'L D. KING,
Surveyor Gen'l Cal'a.

Filed in office September 30th, 1853.

GEO. FISHER, *Sec'y.*

Translation of Exhibit O.

To his Excellency the Governor :

The citizen Wm. A. Leidesdorff, a native of Dinamarca, and naturalized in the Republic of Mexico, presents himself before your excel'y with all submission and respect, and says, that possessing a great number of cattle, and being desirous to own a place on which to raise them, he has found one vacant, adjoining the lands of Mr. Sutter, and as shown in the maps attached, which he respectfully presents herewith. The said land is on the bank of the American river, and is four leagues in length towards the east, and two leagues in width towards the south.

Wherefore he beseeches your excell'y to grant him said land, whereby he will receive reward and favor. Swearing, etc., etc.

Monterey, August 29, 1844.

GUILLERMO A. LEIDESDORFF.

Written on the margin:

MONTEREY, *August* 29, 1844.

Let the sec'y of the office report after taking the necessary steps.

MICHELTORENA.

As directed by his excellency the governor, Mr. Sutter will please report upon the contents of the foregoing application.

Monterey, same date.

MANUEL JIMENO.

To his Excellency the Governor:

The land solicited is vacant, as appears from the annexed certificate, and so well marked out on the map, and in a situation so near the place of Mr. Sutter, that I think there is no objection to your excel'y granting the land to the applicant, if your exc'y does not wish to direct otherwise.

[*Here follows map—see original, page* 106.]

Same date. Monterey, Oct'r 1st, 1840.

MANUEL JIMENO.

Granted. MICHELTORENA.

Monterey, Oct'r 8, de 1844.

In view of the petition with which this espediente begins, the reports which precede and all else present and proper to be con-

sidered, in conformity to the laws and regulations on the subject, I declare Wm. A. Leidesdorff by these presents, owner in property of the land situated on the banks of the American river, bounded by the land granted to the colony of Mr. Sutter, and by the hills on the east, in extent eight leagues "de ganado mayor." Let the corresponding decree be issued and recorded in the proper book, and the espediente referred to the most exc't departamental assembly for its approval. His excell'y Manuel Micheltorena, brigadier gen'l of the Mexican army, adjutant general of the staff of the same, governor, commanding general and inspector of the department of the Californias, thus ordered, decreed and signed, as I certify.

Jurisdiction of the river Sacramento.

The land solicited in this application by William A. Leidesdorff, situated on the American river, is now unoccupied, and is the land represented on this map, and I give this certificate for the purposes for which it may be required.

New Helvetia, August 4th, 1844.

J. A. SUTTER.

Seal First—Eight Dollars.

Furnished provisionally by the custom-house of the port of Monterey.

To his Excellency the Governor:

The citizen Wm. A. Leidesdorff, a native of Dinmarca, and naturalized in the Republic of Mexico, presents himself before your excellency, with all submission and respect, and says that, possessing a great number of cattle, and being desirous to own a place on which to raise them, he has found one vacant adjoining the lands of Mr. Sutter, as shown in the maps attached, which respectfully presents herewith: the said land is on the bank of the American river, and is four leagues in length towards the east, and two leagues in width towards the south. Wherefore he beseeches your excel'y to grant him said land, whereby he will receive reward and favor. Swearing, &c., &c.

Monterey, August 29th, 1844.

GUILLERMO A. LEIDESDORFF.

(Written on the margin:)

MONTEREY, *August 29th*, 1844.

Let the sec'y of the office report after taking the necessary steps.

MICHELTORENA.

As directed by his excellency the governor, Mr. Sutter will please report upon the contents of the foregoing application.

Monterey, same date.

MANUEL JIMENO.

To his Excellency the Governor:

The land solicited is vacant, as appears from the annexed certificate, and so well marked out on the map, and in a situation so near the place of Mr. Sutter that I think there is no objection to your excellency granting the land to the applicant, if your excellency does not wish to direct otherwise.

Monterey, Oct. 1st, 1844.

MANUEL JIMENO.

Granted. MICHELTORENA.

MONTEREY, *Oct'r* 8, 1844.

In view of the petition with which this esped'te begins, the reports which precede, and all else present and proper to be considered in conformity to the laws and regulations on the subject, I declare Wm. A. Leidesdorff by these presents owner in property of the land situated on the banks of the American river, bounded by the land granted to the colony of Mr. Sutter, and by the hills on the east, in extent eight "de ganado mayor." Let the corresponding decree be issued and recorded in the proper book, and the espediente referred to the most exc't departamental assembly for its approval. His Excellency Manuel Micheltorena, brigadier general of the Mexican army, adjutant general of the Mexican army, governor commanding general and inspector of the department of the Californias, thus ordered, decreed and signed, as I certify.

Jurisdiction of the River Sacramento.

The land solicited in this application is by William A. Leidesdorff, situated on the American river, and is now unoccupied, and it is the land represented on this map, and I give this certificate for the purposes for which it may be required.

New Helvetia, August 4, 1844.

J. A. SUTTER.

In the department of the Californias, for the years 1844 and 1845.

MICHELTORENA. PABLO DE LA GUERRA.

In the absence of the administrador,

WM. EDUARDO HARTNELL.

The citizen Manuel Micheltorena, Brigadier General of the Mexican Army, Adjutant Gen'l of the same, Governor, Commanding General and Inspector of the Department of the Californias.

Whereas William A. Leidesdorff, a Mexican by naturalization, has solicited for his personal benefit six leagues "de ganado mayor" on the bank of the river called the American river, bounded by the land granted to the colony of Mr. Sutter, and by the hills to the east, having first taken the proceedings and made the inquiry according to what is directed by the laws and regulations on the subject, exercising the powers which are conferred on me, in the name

of the Mexican nation, I have granted him the said land subject to the approval of the excellent departmental assembly, and to the following conditions:

1st. He shall not have power to sell, alienate, nor mortgage it, to impose on it any entail or other charge, nor to give it away.

2d. He shall not hinder the cultivation of other improvement of said land, made by the Indians of that region.

3d. He shall have power to enclose it without injury to the crossing, roads and servitudes. He shall enjoy it freely, cultivating it as may best suit him, but within one year he shall build a house and it shall be inhabited.

4th. The land of which donation is of the extent already mentioned. The judge who shall give the possession shall have it measured in conformity to the ordinance, leaving the surplus which remains to the nation for the proper uses.

5th. If he should violate these conditions he shall lose his right to the land, and it shall be denounced by another.

Wherefore, I order that the present title, being held firm and valid, be registered in the proper book and be delivered to the party interested for his protection and other purposes.

Given at Monterey the 8th of October, 1844.

MANUEL MICHELTORENA.

MANUEL JIMENO, *Sec'y.*

This decree is registered in the proper book, at page 11.

JIMENO.

Filed in office September 30th, 1853.

GEO. FISHER, *Sec'y.*

A. P. L. Exhibit to the Deposition of Juan B. Alvarado, March 15, 1855.

[1 S. D. K.]

Espediente.

Promovido por Dn. Juan Agusto Sutter.

En solicitud de un terreno que se halla á las margenes del rio Sacramento.

1841.

250.

[2 S. D. K.]

Sello Tercero—Dos Reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

JIMENO.

[SELLO.]

Ex'mo Señor Gob'r de Este Departamento:

Juan Augusto Sutter, natural de la Republica Suiza, naturalizado en la Republica Mejicana y actualmente radicado en este departamento ante la notoria justificacion de V. E. con el respecto debido hace presente. Que desde su ingreso a este paiz deceoso de cultivar una parte de los mucho terrenos valdios q'e tiene, recabo de V. E. su superior aprobacion p'a establecerse en el terreno que hoy occupa, asociado a algunas familias laboriosas, q'e quisieron seguirlo y como usé trabajo asiduo promete ya esperanzas lisonjeras a su estableciem'to en lo particular y bentojosa al departamento en lo general atendiendo a q'e a ejemplo de los q'e lo siguen se bari desputando ideas laboriosas en los demas habitantes de este paiz; sirbiendo a la voz p'e el parage de su cituacion de una fuerte vanena a las incursiones de los tribus barbaros a las poblaciones y de una escuela de civilizacion ya a los indigenos barbaros ya a los reducidos a misiones, quienes en la secuela dilatada de años que han estado reducidos no han cido miembros utiles a la solicitud [3 S. D. K.] comun como hoy tiene el q'e subscribe la satisfaccion de q'e lo sean, debido a sus infatigables tareas. Por todas estas razones se ve en la necesidad p'a engrandecer su empresa y establecer doce familias de suplicar a la bondad de V. E. se sirva concederle once leguas de terreno en su establecimiento nominado la Nueva Helvetia cituado acia el norte con total arreglo al terreno citado en el diceño que tiene el honor de acompañar, a V. E. no incluyendose en las once leguas citadas el terreno que periodicam'te es inundado de agua en el inbierno, y protestando a V. E. y la nacion Mejicana que seran p'e el fielmente observadas las leyes de colonizacion vijentes y todas las que hablan de esta materia. Por tanto.

A. V. E. suplico se sirva en uso de las facultades con q'e me imbistan las leyes acceder a su solicitud y interponer a la voz su poderoso: (Sello tercero—dos reales)—

[4 S. D. K.]

Habilitado provicionalm'te por la aduana maritima del puerto de Monterey, en el departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

XIMENO.

[SELLO.]

—influgo ante el gob'no supremo de la nacion a fin de recabar su superior aprobacion concluya gracia recibira un beneficio el q'e subscribe y un formento la agricultura de este paiz.

Monterey, Junio 15, de 1841.

Ex'mo S'r,

J. A. SUTTER.

[5 S. D. K.]

Titulo.

Por cuanto Dn. Agusto Sutter, natural de la republica Suiza y naturalizado en la nacion Mejicana ha pretendido conforme a la ley de 18 de Agosto, de 1824, y al reglamento de 21 de Nov'be, de 1828, para su beneficio personal y el de doce familias once leguas de tierra a las margenes del rio del Sacramento en los terrenos valdios de la frontera del norte para colonizarlos y formentarlos en los terminos referidos en las disposiciones mencionadas para cuyo fin ha hueriditado suficiente sus laboriosidad buena conducta y demas calidades que son requeridas en estos casos teniendo ja anticipados sus cresidas esfuerzos, su constante empreño y celo berdaderamt'e patriotico en favor de nuestras instituciones reduciendo á la civilizacion una porcion de Indios salvages naturales de aquellas fronteras è informado suficientemente este gobierno de que los terrenos mensionados no pertenecen á la propriedad particular de ningun individuo, pueblo ó corporacion y se hallan p'e consigt'e en los clasificados en las referidas leyes y conforme a las facultades que me son conferidas en nombre de la nacion Mejicana; he venido en concederle al mencionado Sor. D'n Augusto Sutter por las presentes letras; para si y sus colonizadores al terreno referido con el nombre de la Nueva Helvetia sujetandose a la aprovacion i reprovacion del sup'r gob'no y de la E. J. departamental bajo de las condiciones siguientes:

[6 S. D. K.]

1a. Podra sercarlo sin perjudicar las travecias caminos y servidumbres principalm'te al trafiro y nabegacion de los Rios mantendra á los naturales indigenas de los diferentes tribus puestos en el goce y libertad de sus posiciones sin molestarlos y solo podra reducirlos á la civilizacion por los medios de la prudencia y de las relaciones amistosas sin hostilizarlos, en manera alguna antes de no obtener las facultades del gob'no.

3o. El terreno de que se le hace donacion es de once sitios de ganado mayor comprendidos en la estencion que demarca el diceño que corre agregados al esped'te sin incluir las tierras agregadas por el impulso y las corrientes de los rios siendo sus linderos por la parte del norte los tres picos y la latitude 39 41 45 norte al este las margenes del rio de las Plumas; al sur latitud 38 49 32 N. al oeste el rio del Sacramento.

4o. Cuando se le conforme esta propriedad solicitara del juez respectivo la posecion del terreno para que sea medido conforme á ordenanza quedando el sobrante que resulte a beneficio de la nacion para los usos que le convengan.

P. T. mando que teniendose este pr. firme y valedero este titulo se tome razon en el libro que corresponde y se dirija el espediente

á la E. T. departamental asi yo J. B. A. G. C. del departamento de las Californias, lo mandé y firme de que doy fée.

$4 n.

Mont'y, 18 Julio.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such, now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the six preceding and hereunto annexed pages of tracing paper, numbered from one to six, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name, officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cal., this 13th day of December, 1851.

[SEAL.]

SAM'L D. KING,
Surv'or Gen'l, Cal.

Filed in office Oct'bre 1st, 1853.

GEO. FISHER, *Sec'y*.

B.—*Translation of Grant.*

Stamp 3d—Two Reals.

Provisionally authorized by the maritime custom of the port of Monterey, in the department of the Californias, for the years one thousand eight hundred and forty and forty-one.

(Signed) ANTONIO MARIA OSIO.

(Signed) XIMENO.

Translation.

{ Custom-house Seal. }

To His Excellency the Governor of this Department:

John Augustus Sutter, a native of the Swiss republic, naturalized in the Mexican republic, and at present settled in this department, before the notorious justice of your excellency, and with due respect, says:

That since his arrival to this country, wishing to cultivate a portion of the many existing tracts of vacant lands, begged your excellency's superior approval in order to settle himself in the land which he now occupies, associated with some laboring families who were willing to follow him.

An assiduous labor affords flattering expectations to a private

settlement and advantages to the department in general, considering that the good example of those who follow him has already awakened similar ideas in the other inhabitants of the country; at the same time this settlement for its position will prove to be a strong barrier against the incursions of the Indian tribes into the villages, and as a school of civilization either to the wild native or to those under the care of the missions, who during the long time thus have been submitted, have not been useful members of society.

Your petitioner has the satisfaction that those under his control are becoming useful on account of his indefatigable exertions. For all these reasons the necessity of enlarging his enterprise, establishing twelve families, is obvious, and he applies to the kindness of your excellency that you may be pleased to grant him eleven leagues of land in his establishment called La Nueva Helvetia (New Helvetia,) situated on the north, according to the land represented in the sketch which he has the honor to present to your exc'y. The land which is periodically overflowed in winter is not comprised in the aforesaid eleven leagues.

Your petitioner protests to your excellency and to the Mexican nation, that he shall keep faithfully the laws of colonization in force, and all those about the matter.

Therefore he requests your excellency that, exercising the powers vested in you by law, you will be pleased to grant him his petition, and to interpose at the same time your influence before the supreme government of the nation, that its superior approbation may be obtained.

Your petitioner will receive a favor and benefit, and the country will improve its agriculture.

Monterey, June 15th, 1841.

Excellent Sir,

(Signed) J. A. SUTTER.

Grant.

Title.

Whereas Don Augustus Sutter, a native of the Swiss republic, and naturalized in the Mexican nation, has solicited, according to the law of the 18th of August, 1824, and the ordinance of 21st November, 1828, for his personal benefit, and that of twelve families, eleven leagues of land on the borders of the Sacramento river, in the vacant lands of the northern frontier, in order to colonize and foster them, for which end he has sufficiently proved his assiduity, good behavior, and all other qualities required in those cases, having already anticipated his increased efforts, his constant firmness, and his truly patriotic zeal in favor of our institutions, having reduced to submission a number of savage Indians born in those frontiers, and this government being sufficiently informed that the mentioned does not belong to the property of any private individual,

town or corporation, and that in consequence thereof it is specified in the aforesaid laws, and in conformity with the powers conferred on me, in the name of the Mexican nation, I have granted to the said Señor Don Augustus Sutter, by these presents letters, for him and his settlers, the said land called "La Nueva Elvecia" (New Helvetia,) subject to the approval or disapproval of the superior government, and of the exc't the departmental assembly, under the following conditions:

1st. He may fence it without injury to the crossings, roads, and servitudes, and above all to the trade and navigation of the rivers.

2d. He shall maintain the native Indians of the different tribes on those places in the free enjoyment of their possessions without troubling them, and he may only reduce them to civilization through prudent measures, and a friendly intercourse; he shall not cause them hostilities of any kind without previously obtaining authority from government.

3d. The land of which donation is made to him is of the extent of eleven sitios de ganado mayo (eleven square leagues) as exhibited in the sketch annexed to the proceedings, without including the lands overflowed by the swelling and current of the rivers. It is bounded on the north by "los tres picos" (the three summits) in 39° 41′ 45″ north latitude; on the east by the borders of the Rio de las Plumas (Feather river;) on the south by the parallel of 38° 49′ 32″ of north latitude, and on the west by the river Sacramento.

4th. When this property be confirmed unto him, he shall petition the proper judge to give him the possession of the land, in order that it may be measured agreeably to ordinance, the surplus thereof remaining for the benefit of the nation and the convenient purposes.

Therefore I order that this patent, being held as firm and valid, the same be entered in the proper book, and that these proceedings be transmitted to the exc't the departmental assembly.

John B. Alvarado, commandante general of the department of the Californias, ordered and signed this, to which I certify.

Monterey, 18th June, 1841.

Folio 4th, over.

Filed in office March 1st, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Exhibit A A, annexed to Deposition of S. J. Hensley.

Know all men by these presents, that I, John Augustus Sutter, of Nueva Helvetia, a citizen of California, do give, grant, and convey unto Eliab Grimes, Hiram Grimes and John Sinclair, their heirs, administrators and assigns, a certain piece or parcel of land situated in Nueva Helvetia aforesaid, and described as follows, to wit: bounded by the river Sacramento, running northwestern to the mouth of Feather river; from thence in an easterly direction,

meeting the said John Augustus Sutter's northeasterly boundary; the southern boundary commencing at the mouth of the river called the American fork, said river being the southern boundary, running in an easterly direction, meeting the aforesaid Sutter's northeastern boundary.

The land is uncultivated, well wooded and watered, together with all the privileges and appurtenances to the said land in any way and wise appertaining and belonging:

To have and to hold the above granted premises in the same manner as I now hold it from the Mexican government, to the said Eliab Grimes, Hiram Grimes and John Sinclair, their heirs, administrators and assigns, to their use and behoof forever.

And I, the said John Augustus Sutter, for myself, my heirs, executors, and administrators, do covenant with the said Eliab Grimes, Hiram Grimes and John Sinclair, their heirs and assigns, that I am lawfully seized in fee of the aforegranted premises, and that they are free from all incumbrances; that I have good right to dispose and convey the same to the said Eliab Grimes, Hiram Grimes, and John Sinclair as aforesaid, and that I will, and my heirs, executors, and administrators shall warrant and defend the same to the said Eliab Grimes, Hiram Grimes and John Sinclair, their heirs and assigns forever, against the lawful demands of all persons.

It is understood and agreed that the northern boundary line commences at the mouth of the Feather river, and runs due east to the said John Augustus Sutter northeasterly boundary line, the distance being sixteen miles; the southern boundary line runs thirteen miles.

In testimony whereof, I, the said John Augustus Sutter, have hereunto set my hand and seal, this tenth day of August, in the year eighteen hundred and forty-three.

(Signed) J. A. SUTTER. [SEAL.]

Signed, sealed, and delivered in presence of—
C. W. FLUGGE,
SAM'L H. REYNOLDS.

Filed in office October 17, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Exemplification of the record of the Will of Eliab Grimes, deceased.

STATE OF CALIFORNIA,
County of San Francisco.

Be it remembered, that on the twenty-third day of August, in the year of our Lord one thousand eight hundred and fifty-one, at the August term of the probate court of San Francisco county—present, Honorable Alexander Campbell, judge—was filed a petition in the words and figures following, to wit:

Probate Court—County of San Francisco.

In the matter of the estate of Eliab Grimes, deceased.

To the Honorable Alexander Campbell, Judge of the Probate Court:

Your petitioner, Hiram Grimes, a citizen of Massachusetts, respectfully shows, that the above named Eliab Grimes deceased at San Francisco, on or about the seventh day of November, 1848, leaving your petitioner in charge of all his papers and effects.

That the paper hereto annexed marked (A) is the original last will and testament of the said Eliab Grimes, and that the papers hereto annexed marked (B) and (C) are original codicils to the said will, and the only ones of which your petitioner has any knowledge or information.

That the said will, from the time the same was made, remained in possession of Stephen Reynolds, of Oahu, Sandwich islands, one of the executors therein named, until on or about the 15th day of July last, when it was delivered by the said Reynolds to your petitioner.

That the first codicil was also in possession of the said Reynolds for some time before the testator's death, and until the same was delivered by him to your petitioner, on the said 15th day of July last.

That the second codicil was placed in the possession of your petitioner, by the testator's direction, some months before he died.

That at the time of said testator's decease, and until some time in the year 1850, there being no regular and permanent government established in California, and it being unknown which of the tribunals then in existence was a legal court of probate under the Mexican laws, as also what were the powers and duties of such courts and of executors under the said laws, and the value of the said testator's estate in California being supposed to be very considerable; in view of the above facts, and of the heavy responsibility to the heirs and legatees which would be incurred in the administration and settlement of the estate, your petitioner determined, under the advice of counsel, to wait until the establishment of a permanent State government and of proper courts of probate, before qualifying as executor under the will.

That in the month of April, 1850, before the establishment of any court of probate, your petitioner removed with his family to the State of Massachusetts.

That for some months after hearing of the establishment of courts of probate in California, your petitioner was detained in Boston by urgent private business; that in May last, which was as early as his private affairs would permit him to leave, your petitioner left

home for the purpose of coming to California, and immediately the will, and taking on himself the administration of the estate.

That he arrived here on or about the 24th day of June last, and immediately proceeded to Oahu, one of the Sandwich Islands, in order to obtain the will, which was in possession of the said Stephen Reynolds and of the executors named in the will, from whence your petitioner has just returned.

And your petitioner further shows that Josiah Thompson, one of the executors named in said will, died at sea, on board the brig Joseph Peabody, in the month of April, 1839.

That the said Stephen Reynolds, also named as executor, resides in Oahu, one of the Sandwich Islands, and has recently informed your petitioner that he has no intention of qualifying under the said will, but renounces the trust; that Sidney Bartlett, the other executor named in the said will, resides in Boston, Massachusetts, and has also informed your petitioner to the same effect; and that your petitioner intends to obtain, as early as practicable, from the said Reynolds and the said *Reynolds and the said* Bartlett a formal renunciation of said executorship, to be filed in this court.

That the heirs of the said testator and the legatees under the will, so far as your petitioner is informed and believes, all reside in the States of New Hampshire and Vermont.

That the other two subscribing witnesses to said will, besides your petitioner—John R. Von Pfister is dead, having been murdered at the mines in the year 1848, and that J. K. Thomas, jr., your petitioner, after diligent inquiry, has been unable to get any tidings of, and knows not where he resides, nor whether he is living or dead; but that your petitioner will be prepared to prove the said will by such other evidence as the law requires.

That John Wilson, the witness to the first codicil, resides at San Luis Obispo, in this State; that Nathan Spear and Guillermo Hinckley, the witnesses to the second codicil, are both dead; but that your petitioner will be prepared to prove said codicils by such other evidence as the law requires.

Your petitioner, therefore, prays that the said wills and codicils may be admitted to probate, and that letters testamentary be issued to him as executor of the last will and testament of Eliab Grimes, deceased.

HIRAM GRIMES.

STATE OF CALIFORNIA,
County of San Francisco, ss.

On this day of August, 1851, before me, personally appeared Hiram Grimes, the petitioner in the foregoing petition, who being by me duly sworn, did depose and say, that he had heard read the said petition, and knows the contents thereof, and that

the facts therein set forth are true, to the best of his knowledge and belief.

ALEX. CAMPBELL,
County Judge.

A.

This is the last will and testament of me, Eliab Grimes, a citizen of the United States of America, at present residing upon Oahu, one of the Sandwich Islands, merchant.

I direct that, should my decease occur previous to fifteenth day of December, eighteen hundred and forty-two, that all my property and funds, of whatever name or nature, then invested in the copartnership existing between myself and Josiah Thompson, under the name and firm of Eliab Grimes and Company, of Oahu, Sandwich Islands, shall not be withdrawn from said concern until such time as said copartnership shall, by indentures between myself and Josiah Thompson, expire—say on fifteenth day of December, 1842—but direct that my interest shall be continued in the said concern, on account of my heirs hereinafter named, until such period expires. Any personal property and other, of whatever name or nature, not invested in the said concern, I direct, as soon after my decease as possible, by my executor, to be reduced to moneys, and all my private debts to be paid; after which, to my niece, Naby Priest, wife of Asa Priest, of Littleton, in the county of Middle-*sana*, Massachusetts, I give and bequeath the sum of one thousand five hundred dollars, to be paid her within one year from the time of my decease; the remainder I give, devise, and bequeath equally to my brothers and sisters hereinafter named.

Upon expiration of my said copartnership with Josiah Thompson, should my decease have occurred, I direct my executor, hereinafter named, to close all my parts of said concern of Eliab Grimes and Company, in the Pacific ocean, China, and America, and all other parts of the globe where they may have dealings, and reduce the same to moneys, with as little delay as possible, and pay the same over to my heirs, or their attorneys.

I direct my executor, should my decease occur after the fifteenth day of December, eighteen hundred and forty-two, to reduce all and singular my property in all parts of the world, of whatever name or nature, to moneys, with as little loss or delay as possible.

I then direct all my just debts, funeral and testimonial expenses paid; the balance to be paid over to my brothers and sister, as hereinafter named.

I direct that all debts due me from my brother William Grimes be forgiven him, and no demand ever made for the same.

To my brother William Grimes, Nathan Grimes, and Thadeus Grimes, and my sister, Naby Buckely, or to their heirs residing in the United States of America, with exception of the one thou-

sand five hundred dollars bequeathed to my niece, Naby *Price*, I give and bequeath all and singular my property, of whatever name or nature, to be equally divided amongst them, to have and to hold the same for their own proper use and benefit forever, subject to the restrictions heretofore named respecting my partnership with Josiah Thompson.

I do appoint and constitute and ordain Stephen Reynolds, Josiah Thompson, and Hiram Grimes, American citizens, at present residing upon Oahu, one of the Sandwich Islands, together with Sidney Bartlett, of Boston, Massachusetts, United States of America, as my true and lawful executors to this my last will and testament, hereby revoking and annulling all other wills and testaments of whatever description by me heretofore made.

In witness whereof, I have hereunto set my hand and seal, at Oahu, one of the Sandwich Islands, this fifteenth day of December, eighteen hundred and thirty-six.

ELIAB GRIMES. [S. L.]

Signed, sealed, published, and declared by the testator as and for his last will and testament, in the presence of us, who, at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

JNO. R. VON PFLISTER,
HIRAM GRIMES,
T. K. THOMAS, Jr.

The items "five hundred," fourth line from bottom, first page, and "five hundred," first line, third page, interlined by me on this fifteenth of December, at Oahu, eighteen hundred and thirty-six, in presence of Hiram Grimes, John R. Von Pflister, Josiah Thompson, and Thomas K. Thomas, junior.

In witness whereof, I have under set my hand and seal in their presence.

ELIAB GRIMES. [L. S.]

Witnesses to signature and seal of Eliab Grimes:

HIRAM GRIMES,
JNO. R. VON PLFISTER,
JOSIAH THOMPSON,
T. K. THOMAS, Jr.

Deposition of W. H. Davis.

Probate Court, San Francisco County.

SEPTEMBER 12*th*, 1851.

In the matter of the proof of the Will of Eliab Grimes, dec'd.

William H. Davis being duly sworn, says: I reside in San Diego; I resided in San Francisco in the year 1848; I was well acquainted with Eliab Grimes in his lifetime.

He died in the latter part of the year 1848; he died in the city of San Francisco; he was a resident of San Francisco at the time of his death; I knew him since the year 1830; I knew him intimately; I was in the Sandwich Islands, at Oahu, in the year 1836; Eliab Grimes was also there; he resided there at that time; he was of sane mind at that time.

He was not under any restraint, either mental or physical; I am acquainted with his handwriting; I knew John R. Von Pflister; he was in my employ before his death; I heard he was killed in the mines in the fall of 1848.

I have seen his writing; he was my scrivener; I know his handwriting well; this signature attached to this paper, purporting to be the will of Eliab Grimes, dec'd, is the handwriting of John R. Von Pflister.

I am well acquainted with the handwriting of the testator; have seen him write; this signature attached to the will is his; the signatures attached to the memorandum on the back of the will are genuine.

The signature attached to the first codicil is in the handwriting of Eliab Grimes, deceased.

The signature of the sole subscribing witness is, I think, the handwriting of John Wilson.

I have seen John Wilson write; it is exactly like it; I knew Nathan Spear and Guillermo Hinckley; they were connected in business together; I was in their employ for some time after I arrived in this country.

Nathan Spear is dead; he died in October, 1849; Guillermo Hinckley died in the summer of 1846.

I know the handwriting of Nathan Spear; have seen him write. The signature to the second codicil is Spear's handwriting. I know Guillermo Hinckley's handwriting; have seen him write. The signature to the second codicil is his handwriting.

WILLIAM H. DAVIS.

Endorsed: Filed September 12, 1851.

In the matter of the Estate of Eliab Grimes, dec'd.

SEPTEMBER 12*th*, 1851.

On proof of the publication of the notice required by law, and the examination of witnesses, ordered that the last will of Eliab Grimes, deceased, and the second codicil attached thereto, be admitted to probate, and that letters testamentary, with the will annexed, issue to Hiram Grimes, on filing penal bond, in the sum of five thousand dollars.

Bond having been approved and filed, ordered that letters issue to Hiram Grimes. Ordered that Wm. H. Stevens, Wm. H. Davis, and Wm. H. Tiffany be appointed appraisers of the above estate.

BOSTON, *April 13th*, 1853.

Mr. HIRAM GRIMES.

DEAR SIR: You will please consider this as a renunciation on my part of the joint or sole executorship to which I am nominated in the will of your late uncle, Captain Eliab Grimes, and I authorize you to use or file this as such renunciation before any court or tribunal in which it may avail.

Resp'y yours,

SIDNEY BARTLETT.

Endorsed: Filed May 23, '53.

O. BAILEY, *D. C.*

HONOLULU, *April 17th*, 1853.

To HIRAM GRIMES,
San Francisco.

SIR: I have to inform you, and all whom it may concern, that I do not feel disposed to accept on any consideration the situation of an executor on the will of Eliab Grimes, late deceased, dated in Honolulu, December , 1836.

It is unnecessary to speak reasons for declining to act further than the estate, *or* the most of it is in California, to which place I cannot go. It is far from my business, which I cannot neglect.

This is my full and final declaration of non-acceptance of an executor on the will of the late Eliab Grimes, deceased.

Dated December, 1836.

Your obedient serv't,

STEPHEN REYNOLDS.

Endorsed: Filed May 23, '53.

O. BAILEY, *D. C.*

STATE OF CALIFORNIA,
County of San Francisco.

I, Thomas Hays, county clerk of San Francisco county, certify the foregoing to be a true copy of the original petition for probate of the will of Eliab Grimes, deceased, of said will and codicil thereto, as the same was admitted to probate, and is now of record in my office, of the order admitting said will to probate, and of the renunciation of Sidney Bartlett and Stephen Reynolds, of the execution of the trusts or office of executor of said will, as all the same are now on file in my office. And I do further certify, that the original bond of the said Hiram Grimes, as executor of said will, as the same was approved and filed September 12th, 1851, in pursuance of the order of the probate court, now remains and is on file in my office.

In witness whereof, I have hereunto affixed the seal of the probate court of said county of San Francisco, this tenth day of July, A. D. 1854.

[SEAL.]

THOMAS HAYS,
County Clerk.
Per DENNIS LYONS,
Dep. Clerk.

Filed in office July 18th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Opinion of Board by Commissioner Thompson.

HIRAM GRIMES vs. THE UNITED STATES. } Part of New Helvetia.

This is a claim by Hiram Grimes in his own right, and as executor of the last will and testament of Eliab Grimes, dec'd, and purports to be founded on a deed executed by John A. Sutter to the said Hiram Grimes and John Sinclair on the 10th day of August, 1843. A copy of this deed is filed in the case, and admitted in evidence by stipulation with the United States law agent. It purports to convey to the above named parties a tract of land situated in New Helvetia, commencing at the mouth of Feather river, and running east sixteen miles to said Sutter's eastern boundary, which line forms the northern boundary of the tract. The Sacramento river from the American to the Feather river is the western boundary, and the American river from its mouth to a point thirteen miles above was to constitute the southern boundary; the eastern boundary is presumed to be a line connecting the eastern extremities of the two lines forming the northern and southern limits of the tract.

That portion of the testimony filed in case No. 92, John A. Sutter, for the place called New Helvetia, which, by stipulation, is made evidence in this case, shows conclusively at the time the deed from Sutter to the two Grimes and Sinclair was executed, the grantor, Sutter, had no title whatever to the lands which he pretended to convey. The deposition of Vioget shows that he located the eleven leagues granted to John A. Sutter by Governor Alvarado in 1841, and that he laid off two leagues on the south side of the American river, embracing the site of the fort and settlement of New Helvetia, and the other nine leagues on Feather river, commencing at a ford some distance above its mouth, and running up the same to a point about six miles above the mouth of the Yuba river. A reference to the maps filed in the case will show that no portion of the lands claimed in this case were embraced in the boundaries above described, and it is not pretended that Sutter at that time had any other title under which he could make such a conveyance.

It is, however, contended that Sutter subsequently obtained a grant for the sobrante, consisting of twenty-two square leagues, within the exterior limits described in his first grant, which, under the warranty contained in his deed to Grimes and Sinclair, should inure to their benefit. There is nothing in the case to satisfy us that the lands claimed were embraced in the grant of the sobrante. That is a grant for twenty-two square leagues of land, to be located within the exterior limits, embracing some fifty or sixty square leagues. There is nothing in the grant or other evidence in the case to show in what part of this large extent of country the twenty-two leagues granted are situated, and their location must depend upon the discretion of the surveyor general, under the law which assigns that duty to him. Until that is done, it is impossible for this commission to know certainly whether the lands claimed are embraced within it or not. The evidence not being sufficient to satisfy us that the surveyor could, under the confirmation to Sutter, locate any portions of the lands confirmed within the limits of this claim, it is therefore unnecessary to consider the question of the claimant's right to a confirmation upon the supposition that the lands claimed were so embraced.

We are of the opinion that the evidence does not show such a right or title to the land claimed as would entitle him to a confirmation by this commission. We have the less reluctance to come to this conclusion from the fact that all the lands to which his original grantor, Sutter, was entitled in New Helvetia, have been confirmed to him; and the claimant would therefore have an ample remedy before the ordinary tribunals in asserting any rights which he may have derived from Sutter to lands within the limits of his claim.

A decree rejecting the claim will accordingly be entered.

Filed in office January 15th, 1856.

GEO. FISHER, *Sec'y.*

Decree.

HIRAM GRIMES
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be and the same is hereby rejected.

ALPHEUS FELCH,
R. AUG. THOMPSON.

Filed in office January 15th, 1856.

Order.

And it appearing to the satisfaction of the board that the land

hereby adjudicated is situated in the northern district of California, it is hereby ordered that two transcripts of the proceedings and decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the district court of the United States for the northern judicial district of California, and the other be transmitted to the Attorney General of the United States.

Secretary's Certificate.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the Private Land Claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing one hundred and sixty-five pages, numbered from 1 to 165, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 683 on the docket of the said board, wherein Hiram Grimes is the claimant, against the United States, for the place known by the name of "Part of New Helvetia."

In testimony whereof I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twenty-third day of February, A. D. 1856, and of the independence of the United States of America the eightieth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Endorsed: Filed February 26, 1856.
JOHN A. MONROE, *Clerk.*

Notice of Appeal.

No. 417.—District Court of the United States in and for the northern district of California.

HIRAM GRIMES, for self and as Executor, &c.
vs.
THE UNITED STATES.

Claimant for "Rancho del Paso," on appeal from U. S. Land Commission.

Notice is hereby given that the above-named claimant intends to prosecute the appeal taken in the above entitled cause from the decision against the said claimant, of the board of United States land commissioners for ascertaining and settling the private land claims in the State of California; the appeal being to the said district court, and the land claimed being in the said northern dis-

trict. The said cause was numbered six hundred and eighty-three (683) on the docket of the said U. S. land commissioners, and is numbered four hundred and seventeen (417) on the docket of this court, in which court a transcript of the proceedings and decision of said commissioners, and of the papers and evidence on which the same were founded, was filed on the twenty-sixth (26th) day of February, A. D. 1856.

Dated at San Francisco this 14th day of March, 1856.

EDWARD NORTON,
A. C. WHITCOMB,
Counsel for Claimant and Appellant.

Endorsed: Filed March 20th, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Petition.

No. 417.—District Court of the United States in and for the northern district of California.

HIRAM GRIMES, for self and as Executor, &c. vs. THE UNITED STATES, Appelles. } Appellant and Claimant for Rancho del Passo. On appeal from U. S. Land Commissioners.

To the honorable the District Court of the United States in and for the northern district of California:

The petition of the said Hiram Grimes, for self and as executor, &c., (as will more fully appear in his petition to the said land commissioners in this cause, to which petition, as appearing in the transcript of this cause now in this court, special reference is here made,) claimant, petitioner, and appellant, respectfully represents to this honorable court that this proceeding is an application by the said appellant for a review of the decision of the board of said commissioners rejecting his claim against the United States for a certain tract of land particularly bounded and set forth in the said petition of the said claimant to the said land commissioners, to which said petition special reference is here made for a description of the land claimed herein, and the title of the said claimant and appellant thereto, the title of the said claimant being under a grant bearing date on or about the 18th day of June, A. D. 1841, from Juan B. Alvarado, then governor, commandant general, &c., of the department of the Californias, to John A. Sutter; and under another grant bearing date on or about the 5th day of February, A. D. 1845, from Manuel Micheltorena, then governor, commandant general, &c., of the said department, to the said John A. Sutter, and to John A. Sutter, jun'r, his son, to all of whose rights and interests in the land here claimed, your petitioner, appellant

and claimant, avers that he has duly succeeded; for a full and particular account whereof, and for a deraignment of the said claimant's title, special reference is here made to the said petition to the said land commissioners.

And your petitioner would further represent, that the said board of land commissioners, on the 15th day of January, A. D. 1856, delivered its opinion and decision rejecting the said claim, and that there afterwards, to wit, on the 26th day of February, A. D. 1856, a transcript of the proceedings, &c., before the said board of commissioners was filed according to law with the clerk of the district court of the United States in and for the northern district of California, in which said northern district the said land is situated; and that within six months thereafter, to wit, on the 20th day of March, A. D. 1856, the said claimant and appellant filed, according to law, with the clerk aforesaid, a notice of the said claimant's intention to prosecute the appeal taken in this case, by the filing of the said transcript.

And, finally, your petitioner would represent that his claim to the said lands mentioned and described in his said petition to the said land commissioners is a good and valid one, and ought to be confirmed.

Wherefore your said petitioner, claimant and appellant, prays that the said decision herein of the said board of commissioners may be wholly reversed and annulled, and that this honorable court may decree his title to the said land to be a good and valid one and confirm the same.

Dated at San Francisco, this 7th day of April, 1856.

EDWARD NORTON,
A. C. WHITCOMB,
Counsel for Claimant and Appellant.

Endorsed: Filed April 30th, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Answer.

In the District Court of the United States, northern district of California.

THE UNITED STATES ads. HIRAM GRIMES, &c., Appellant. } No. 417.

The United States, by their attorney, deny the validity of the title set out in the petition of the said appellants, and pray that the decision of the board of commissioners be affirmed, and that the said title be decreed to be invalid.

A. GLASSELL,
Ass't U. S. Att'y.

Endorsed: Filed April 30th, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Copy of Deed.

This indenture made and entered into this 27th day of February, in the year of our Lord eighteen hundred and forty-nine, by and between John Sinclair and Mary M., his wife, of the Territory of California, of the first part, and Hiram Grimes, of San Francisco, in the Territory aforesaid, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of five thousand dollars, to them in hand paid by the said Hiram Grimes, (the receipt whereof is hereby acknowledged,) have bargained, sold and quit-claimed, and by these presents do bargain, sell and quit-claim unto the said Hiram Grimes, his heirs and assigns forever, all the right, title and interest of the said parties of the first part in and to two certain tracts or parcels of land, situate, lying and being in the Territory of California, and described as follows, to wit: The first known and described as rancho del Passo, and the second known and described as rancho San Juan, containing five (5) leagues of land, both of said ranchos being on the north side of the American fork, near Sutter's fort, and adjoining each other: to have and to hold the aforesaid premises unto him, the said Hiram Grimes, his heirs and assigns forever.

In witness whereof, the said parties of the first part have hereunto subscribed their names and affixed their seals, the day and year aforesaid.

JOHN SINCLAIR, [SEAL.]
MARY SINCLAIR. [SEAL.]

Signed, sealed, and delivered in presence of—
PETER H. BURNETT,
WILLIAM M. CARPENTER.

TERRITORY OF CALIFORNIA,
District and City of Sacramento, ss.

Be it remembered, that on this 29th day of March, in the year of our Lord eighteen hundred and forty-nine, before me, the first magistrate for the Territory and city aforesaid, personally came John Sinclair and Mary M., his wife, who are both personally known to me to be the persons whose names are subscribed to the foregoing deed as having executed the same, and acknowledged *that* said signatures to be genuine, and the said instrument to be their act and deed for the purposes therein mentioned. And the said Mary M. being examined by me separately and apart from her said husband, acknowledged that she signed the foregoing deed freely and of her own will, without the fear or compulsion of her husband or of any person.

Given under my hand, the day and year aforesaid.

HENRY A. SCHOOLCRAFT,
1st Magistrate, City of Sacramento.

(*Endorsed:*)

John Sinclair and wife to Hiram Grimes—Quit-claim—Exhibit No 2, to the deposition of Samuel J. Hensley, taken in No. 181, H. J. T.—Feb'y 27, 1849—Recorded on page 199, book "C," Land Titles, Archives of San Francisco—Rec'd for record March 29, 1849, at 2 p. m., and recorded in liber A, pages 14 and 15—Henry A. Schoolcraft, recorder of Sacramento city, Cal'a. No. 181—Hiram Grimes—Rancho de San Juan—Exhibit No. 2, annexed to depo. of Samued S. Hensley—Filed in office September 5th, 1853—Geo. Fisher, Sec'y—Recorded in record of Ev., vol. 8, page 683—Geo. Fisher, Sec'y.

U. S. SURVEYOR GENERAL'S OFFICE,
San Francisco, Cal'a.

I, John C. Hays, United States surveyor general for California, and as such, having in my custody the papers of the late board of land commissioners to ascertain and the private land claims of California, do hereby certify the foregoing to be a correct copy of a deed from Jno. Sinclair and wife to Hiram Grimes, on file in case No. 181 on the docket of said board of land commissioners.

[SEAL.] Given under my hand and official seal, at the city of San Francisco, this 21st day of February, A. D. 1857.

JOHN C. HAYS,
U. S. Sur. Gen'l Cal.

Disrict Court of the United States in and for the northern district of California.

HIRAM GRIMES, for self and as executor, &c., Claimant and Appellant,
vs.
THE UNITED STATES, Appellees.
} Case No. 417.

It is hereby stipulated and agreed between the said appellant and appellees, that the above and foregoing certified copy of a deed from John Sinclair and wife to Hiram Grimes, (referred to in the testimony of William M. Carpenter, appearing in the transcript in this cause as Exhibit No. 2, &c.,) together with the acknowledgment and endorsements, may be read and used in evidence in and upon the hearing in this case in all its stages, without further proof.

Dated at San Francisco, this 23d day of February, A. D. 1857.

WM. BLANDING, *Dist. Att'y.*
A. C. WHITCOMB,
EDWARD NORTON,
of Counsel for Claimant.

Endorsed: Filed February 24th, 1857.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Decree.

In the District Court of the United States in and for the northern district of California.

HIRAM GRIMES, for self and as executor, &c., Claimant and Appellant,
vs.
THE UNITED STATES, Appellees.
No. 417.

Stated Term, March 6th, 1857.

On appeal by the claimant from the decision and decree of the board of United States land commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress of March 3d, 1851, &c.

This cause came on to be heard at the above stated term on appeal by the said Hiram Grimes, claimant, from the final decision and decree of said board upon the transcript of the proceedings, decision and decree, and the papers and evidence on which said decision and decree was founded, and the further evidence filed in the cause in this court, and the counsel of both parties having appeared in court and submitted the same; and it appearing to the court that there was error in the decision and decree of said board of commissioners, and that the claim herein is valid, it is hereby ordered, adjudged, and decreed by the court that the said decision and decree of the said board of land commissioners made in this case be in all things reversed, annulled, and set aside:

And it further appearing to the court that the tract of land claimed in this case is a portion of the tract of land or rancho known as and called "Nueva Helvetia," granted by Governor Juan B. Alvarado to John A. Sutter by grant bearing date June 18th, 1841, and by Governor Manuel Micheltorena to the said John A. Sutter and his son John A. Sutter, junior, by grant bearing date February 5th, 1845, which said grants have been confirmed by this court in case No. 319, to the said John A. Sutter, whose title to the land claimed in this case has become vested in the said Hiram Grimes: now it is hereby further ordered, adjudged, and de-

creed by the court, that the claim of the said claimant and appellant is a good and valid one, and the same is hereby confirmed.

The land of which confirmation is here made is situated on the easterly bank of the Sacramento river, between the American and Feather rivers, and is known by the name of "Rancho del Paso," and is bounded and described as follows: On the west by the Sacramento river from the mouth of the American river to the mouth of the Feather river; on the south by the American river for the distance of thirteen miles, in an easterly direction from its mouth, in the said Sacramento river; on the north by a straight line commencing at the mouth of the Feather river, and running due east sixteen miles to John Augustus Sutter's northeasterly boundary line; and on the east by a straight line connecting the easternmost points of the said northerly and southerly boundary lines; saving and excepting from this confirmation a certain piece or portion of said "Rancho del Paso," which said piece or portion is situated on the northerly bank of the said American river, and is bounded and described as follows: Commencing at a point thereon distant one league to the east of its mouth in the said Sacramento river; thence up along and with said American river, east by south three leagues; thence north three and a half leagues; thence west three leagues; and thence towards the south three leagues, to the point of commencement, the same being known as the "Eliab Grimes grant," or "Norris rancho:"

Provided that the said tract above described as that of which confirmation is here made be within the limits and boundaries of the said tract of land or rancho known as and called "Nueva Helvetia," as granted in both of said grants; and if the whole of the said tract above described as that of which confirmation is here made be not within said limits and boundaries of "Nueva Helvetia," as granted in said grants, then such part thereof as may be within said limits and boundaries is hereby confirmed to the said claimant, Hiram Grimes.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed March 6th, 1857.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order denying motion to open Decree.

At a stated term of the district court of the United States of America, for the northern district of California, held at the court-room in the city of San Francisco on Thursday, the 21st day of May, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, the Honorable Ogden Hoffman, district judge.

HIRAM GRIMES, Claimant,
vs.
THE UNITED STATES. } Case No. 417.

This cause having come to be heard on the motion made by the United States district attorney, on the affidavits of John A. Sutter and John S. Fowler, to open the above entitled cause, and set aside the decree heretofore entered by the court herein, the affidavits having been read and submitted, and the motion argued by the counsel for the United States, and for the claimant, and due deliberation being had in the premises, it is hereby ordered by the court that the said motion be denied.

Endorsed: Filed May 21st, 1857.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order granting Appeal.

At a stated term of the district court of the United States of America, for the northern district of California, held at the court-room in the city of San Francisco on Friday, the 27th day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES
vs.
HIRAM GRIMES, & HIRAM GRIMES, Ex'r of last will and testament of Eliab Grimes, dec'd. } D. C. 417—L. C. 683.

In this case, on application of P. Della Torre, esq., U. S. attorney, it is ordered that an appeal in behalf of the United States from the final decision of the court rendered in said cause at the December, 1856, term, be and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions, and proceedings in the said cause be sent to the Supreme Court of the United States without delay; and the appellants are ordered to serve the usual citation according to law.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed August 27th, 1858.

W. H. CHEVERS, *Clerk.*

Citation.

UNITED STATES OF AMERICA.

To Hiram Grimes, and Hiram Grimes, executor of last will and testament of Eliab Grimes, deceased, greeting:

You are hereby cited and admonished to be and appear at a

Supreme Court of the United States, to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on the twenty-seventh day of August, A. D. 1858, by the district judge of the district court of the United States for the northern district of California, in a certain suit wherein the United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal, at San Francisco, this 27th day of August, in the year of our Lord one thousand eight hundred and fifty-eight.

OGDEN HOFFMAN, [SEAL.]
U. S. Dist. Judge.

Due service of copy within citation, by U. S. marshal, admitted this 27th day of August, A. D. 1858.

NORTON & WHITCOMB,
Pr. A. C. WHITCOMB,
Att'ys for Claimant.

Endorsed: Filed August 28th, 1858.

W. H. CHEVERS, *Clerk.*

I, W. H. Chevers, clerk of the district court of the United States for the northern district of California, do hereby certify that the annexed and foregoing pages, numbered from one to one hundred and forty-nine, both inclusive, contain a full, true, and correct transcript of the record from the board of U. S. land commissioners, and of the pleadings, decree, orders, and citation filed in this office in the case of The United States, appellants, v. Hiram Grimes, appellee.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court this twentieth day of September, [L. S.] A. D. 1858, and of our independence the 83d.

W. H. CHEVERS, *Clerk.*

Filed 21st October, 1858.